



FEDERAL REGISTER

VOLUME 24

NUMBER 157

Washington, Wednesday, August 12, 1959

Title 3—THE PRESIDENT

Proclamation 3307

EXCLUDING CERTAIN LANDS FROM AND ADDING CERTAIN LANDS TO THE COLORADO NATIONAL MONUMENT

By the President of the United States of America

A Proclamation

WHEREAS it appears that it would be in the public interest to exclude from the Colorado National Monument, in Colorado, certain lands which are not necessary for the proper care, management, and protection of the objects of scientific interest situated on the lands within the monument; and

WHEREAS it appears that it would also be in the public interest to add to such monument certain adjoining public lands and lands donated to the United States which are needed for administrative purposes and for the proper care, management, and protection of the objects of scientific interest situated on lands now within the monument:

NOW, THEREFORE, I, DWIGHT D. EISENHOWER, President of the United States of America, by virtue of the authority vested in me by section 2 of the act of June 8, 1906, 34 Stat. 225 (16 U.S.C. 431), do proclaim as follows:

The following-described lands in the State of Colorado are hereby excluded from the Colorado National Monument:

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 101 W.,
sec. 27, E $\frac{1}{2}$ SE $\frac{1}{4}$.

UTE MERIDIAN

T. 1 N., R. 2 W.,
sec. 33, SW $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$ and that portion of the N $\frac{1}{2}$ SW $\frac{1}{4}$ lying north and east of a diagonal line extending from the northwest corner of said N $\frac{1}{2}$ SW $\frac{1}{4}$, S. 53°49' E., 2,240 feet to a point on the south line of said N $\frac{1}{2}$ SW $\frac{1}{4}$.

The areas described aggregate approximately 211 acres.

The lands hereby excluded from the monument shall not be subject to application, location, settlement, entry, or other forms of appropriation under the public-land laws or disposal under other laws until further order of an authorized officer of the Department of the Interior.

Subject to valid existing rights, the following-described lands in the State of Colorado are hereby added to and reserved as parts of the Colorado National Monument and shall be subject to all laws, rules, and regulations applicable to that monument:

SIXTH PRINCIPAL MERIDIAN

T. 11 S., R. 102 W.,
sec. 36, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.

UTE MERIDIAN

T. 1 N., R. 2 W.,
sec. 32, N $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$,
N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$.

T. 1 S., R. 1 W.,
sec. 30, S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ (unsurveyed).
The areas described aggregate approximately 120 acres.

The Executive order of January 27, 1913, creating Power Site Reserve No. 335, is hereby revoked to the extent that it affects any of the above-described lands added to the monument.

As affected by the exclusions and additions made by this proclamation, the boundaries of the Colorado National Monument are as follows:

Beginning at the southwest corner of sec. 31, T. 11 S., R. 101 W. of the sixth principal meridian;

thence westerly one-half mile to the south $\frac{1}{4}$ corner of sec. 36, T. 11 S., R. 102 W., sixth principal meridian;

thence northerly three-eighths mile to the southeast corner of the NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ of the said sec. 36;

thence westerly one-eighth mile to the southwest corner of the said NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$;

thence northerly one-fourth mile to the northwest corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ of the said sec. 36;

thence easterly one-eighth mile to the northeast corner of the said SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$;

thence northerly approximately three and three-eighths miles to the north $\frac{1}{4}$ corner of sec. 13, T. 11 S., R. 102 W., sixth principal meridian (on the south boundary of sec. 31, T. 1 N., R. 2 W., Ute meridian);

thence westerly approximately three-fourths mile to the southwest corner of sec. 31, T. 1 N., R. 2 W., Ute meridian;

thence northerly 1 mile to the northwest corner of the said sec. 31;

thence easterly one and three-fourths miles to the northeast corner of the NW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 32;

thence southerly one-fourth mile to the southeast corner of the said NW $\frac{1}{4}$ NE $\frac{1}{4}$;

thence easterly one-fourth mile to the northeast corner of the SE $\frac{1}{4}$ NE $\frac{1}{4}$ of the said sec. 32;

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Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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(As of January 1, 1959)

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Titles 1-3 (\$1.00)

General Index (\$.75)

All other Supplements and revised books have been issued and are now available.

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thence southerly one-fourth mile to the southeast corner of the said SE $\frac{1}{4}$ NE $\frac{1}{4}$;

thence S. 53°49' E. 2, 240 feet to a point on the north line of the S $\frac{1}{2}$ SW $\frac{1}{4}$ of sec. 33;

thence easterly approximately 3,472 feet to the northeast corner of the SE $\frac{1}{4}$ SE $\frac{1}{4}$ of the said sec. 33;

thence southerly one-fourth mile to the southeast corner of the said sec. 33 (on the north boundary of sec. 17, T. 11 S., R. 101 W., sixth principal meridian);

thence westerly 455 feet to a point;

thence S. 23°04' W., 791 feet to a point;

thence S. 38°16' E., 1,250 feet, more or less, to a point on the east boundary of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ sec. 17, T. 11 S., R. 101 W., sixth principal meridian;

thence S. 32°17' E. 887.6 feet to a point 495 feet easterly from the northwest corner of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of the said sec. 17;

thence S. 31°52' E., 1,556.2 feet to the southeast corner of the said NE $\frac{1}{4}$ SE $\frac{1}{4}$;

thence S. 44°55' E., 1,853 feet to the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 16;

thence S. 44°58' E., 1,853 feet to the southeast corner of the NE $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 21;

thence S. 45°02' E., 1,877.3 feet to the southeast corner of the SW $\frac{1}{4}$ NE $\frac{1}{4}$ of the said sec. 21;

thence S. 26°27' E., 2,864.8 feet to the southeast corner of the said sec. 21;

thence S. 44°06' E., 1,922.5 feet to the southeast corner of the NW $\frac{1}{4}$ NW $\frac{1}{4}$ sec. 27;

thence S. 44°47' E., 1,912.6 feet to the center of said sec. 27;

thence easterly one-fourth mile to the northeast corner of the NW $\frac{1}{4}$ SE $\frac{1}{4}$ of the said sec. 27;

thence southerly one-half mile to the southeast corner of the SW $\frac{1}{4}$ SE $\frac{1}{4}$ of the said sec. 27;

thence easterly one-quarter mile to the northeast corner of sec. 34;

thence southerly one-half mile to the west $\frac{1}{4}$ corner of sec. 35;

thence easterly one-fourth mile to the northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ of said sec. 35;

thence southerly approximately one-half mile to a point on the township line dividing Tps. 11 and 12 S., R. 101 W., sixth principal meridian, said point being the northwest corner of lot 7 in sec. 2, T. 12 S., R. 101 W., sixth principal meridian;

thence easterly approximately one-fourth mile to the northeast corner of said lot 7 in said sec. 2;

thence southerly approximately 2,650 feet to the southeast corner of lot 9 in said sec. 2;

thence easterly approximately one-fourth mile to the northeast corner of lot 10 in said sec. 2 (on the west boundary of sec. 30, T. 1 S., R. 1 W., Ute meridian);

thence southerly approximately 2,422 feet to the southwest corner of sec. 30, T. 1 S., R. 1 W., Ute meridian;

thence easterly one-half mile to the southwest corner of the SE $\frac{1}{4}$ of the said sec. 30;

thence northerly one-eighth mile to the northwest corner of the S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$ of the said sec. 30;

thence easterly one-half mile to the northeast corner of the said S $\frac{1}{2}$ S $\frac{1}{2}$ SE $\frac{1}{4}$;

thence southerly five-eighths mile to the east $\frac{1}{4}$ corner of sec. 31;

thence easterly one-fourth mile to the northeast corner of the NW $\frac{1}{4}$ SW $\frac{1}{4}$ sec. 32;

thence southerly one-half mile to the southeast corner of the SW $\frac{1}{4}$ SW $\frac{1}{4}$ of the said sec. 32 (on the north boundary of sec. 18, T. 12 S., R. 100 W., sixth principal meridian);

thence westerly approximately 760 feet, more or less, to the northeast corner of sec. 13, T. 12 S., R. 101 W., sixth principal meridian;

thence southerly approximately 1 mile to the southeast corner of the said sec. 13;

thence westerly approximately one and three-fourths miles to the southwest corner of sec. 14;

thence northerly 1 mile to the northwest corner of the said sec. 14;

thence westerly 3 miles to the southwest corner of sec. 8;

thence northerly 1 mile to the northwest corner of the said sec. 8;

thence westerly 1 mile to the southwest corner of sec. 6;

thence northerly 1 mile to the point of beginning.

Warning is hereby expressly given to all unauthorized persons not to appropriate, injure, destroy, or remove any feature of this monument and not to locate or settle upon any of the lands thereof.

Proclamation No. 1126 of May 24, 1911, establishing the Colorado National Monument, as revised by Proclamation No. 2037 of March 3, 1933, is amended accordingly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Seal of the United States of America to be affixed.

DONE at the City of Washington this seventh day of August in the year of our Lord nineteen hundred and [SEAL] fifty-nine, and of the Independence of the United States of America the one hundred and eighty-fourth.

DWIGHT D. EISENHOWER

By the President:

CHRISTIAN A. HERTER,
Secretary of State.

[F.R. Doc. 59-6690; Filed, Aug. 10, 1959; 2:34 p.m.]

RULES AND REGULATIONS

Title 7—AGRICULTURE

Chapter VIII—Commodity Stabilization Service (Sugar), Department of Agriculture

SUBCHAPTER B—SUGAR REQUIREMENTS AND QUOTAS

[Sugar Reg. 811, Amdt. 1]

PART 811—CONTINENTAL SUGAR REQUIREMENTS AND AREA QUOTAS

Determination and Proration of Quota Deficits, 1959

Basis and purpose. This amendment is issued pursuant to the Sugar Act of 1948, as amended, hereinafter called the "act" for the purpose of determining and prorating deficits in the quotas for Hawaii, Puerto Rico and the Virgin Islands for sugar to be marketed in the continental United States in 1959.

Section 204(a) of the act provides that the Secretary shall from time to time determine whether any area will be un-

able to market its quota and prescribes the manner in which any deficit in a quota for a domestic area or Cuba is to be prorated to other such areas able to supply the additional sugar. Such section provides that any deficit in any domestic producing area occurring by reason of inability to market that part of the quota for such area allotted under the provisions of section 202(a) (2) of the act shall first be prorated to other domestic areas on the basis of the quotas then in effect, and the remainder of such deficit to be prorated to other domestic areas and Cuba on the basis of quotas then in effect.

The act also provides that the quota for any area as established under the provisions of section 202 shall not be reduced by reason of any determination of a deficit.

In order to afford sellers of sugar in affected areas an adequate opportunity to plan marketings and to market the additional sugar authorized by this amendment, and thereby protect the interest of consumers, it is essential that this amendment be made effective im-

mediately. Therefore, it is hereby determined and found that compliance with the notice, procedure and effective date requirements of the Administrative Procedure Act is unnecessary, impracticable and contrary to the public interest and the amendment herein shall become effective when published in the FEDERAL REGISTER.

By virtue of the authority vested in the Secretary of Agriculture by the Sugar Act of 1948, as amended (61 Stat. 922, as amended) and the Administrative Procedure Act (60 Stat. 237) Sugar Regulation 811 is hereby amended by adding § 811.4 as follows:

§ 811.4 Determination and proration of area deficits and adjusted quotas.

(a) *Deficit in quotas established in § 811.2.* It is hereby determined, pursuant to subsection (a) of section 204 of the act, that for the calendar year 1959, Hawaii, Puerto Rico and the Virgin Islands will be unable by 100,000, 196,500, and 3,500 short tons, raw value, of sugar, respectively, to market the quotas established for such areas in § 811.2.

(b) *Quotas in effect upon proration of deficits in parts of quotas established pursuant to section 202(a) (2)*. The part of the deficits determined in paragraph (a) of this section applicable to that portion of the quotas in § 811.2 established pursuant to the provisions of section 202(a) (2) of the act, which amounts to 153,354 short tons, raw value, is hereby prorated on the basis of the quotas established in § 811.2 to domestic areas to the extent each such area is able to supply additional quantities. The quotas for such areas in effect upon publication of this paragraph in the FEDERAL REGISTER shall be those established in § 811.2 plus the quantities prorated herein, as follows:

[Short tons, raw value]

Area	Prorated herein	Quotas including prorations herein
Domestic beet sugar.....	117,269	2,115,286
Mainland cane sugar.....	36,035	651,109
Hawaii.....	0	1,115,479
Puerto Rico.....	0	1,166,375
Virgin Islands.....	0	15,905

(c) *Quotas in effect upon proration of deficits in part of quotas otherwise established*. Immediately after the quotas established in paragraph (b) of this section become effective, the quantity by which the deficit determined in paragraph (a) of this section exceeds the quantity prorated in paragraph (b) of this section, which amounts to 146,646 short tons, raw value, is hereby prorated on the basis of the quotas in effect pursuant to paragraph (b) of this section for domestic areas and pursuant to § 811.3 for Cuba, to the domestic areas able to supply additional sugar and Cuba. Thereupon, the following quotas shall be in effect, such quotas consisting of those established in paragraph (b) of this section for domestic areas and in § 811.3 for Cuba plus the quantities prorated in this paragraph:

[Short tons, raw value]

Area	Prorated herein	Quotas included prorations herein and in para. (b) of this section
Domestic beet sugar.....	53,247	2,169,233
Mainland cane sugar.....	16,385	667,494
Hawaii.....	0	1,115,479
Puerto Rico.....	0	1,166,375
Virgin Islands.....	0	15,905
Cuba.....	77,014	3,137,489

Quotas for foreign countries other than Cuba remain as established in § 811.3.

STATEMENT OF BASES AND CONSIDERATIONS

The deficits in quotas for Hawaii, Puerto Rico and the Virgin Islands, of 100,000, 196,500, and 3,500 short tons, raw value, respectively, herein determined are based on estimates of the quantity of sugar each such area is expected to deliver to the continental United States during the calendar year 1959.

Such estimates are based on completed 1959 sugar production for Puerto Rico and the Virgin Islands and on a recent

industry estimate of 1959 production for Hawaii.

Pursuant to section 204(a) of the act, the deficits herein determined totaling 300,000 tons, are prorated as follows: (1) 153,354 tons to domestic areas able to market additional sugar on the basis of the quotas for such areas as established in S.R. 811 (24 F.R. 1), and (2) 146,646 tons to such domestic areas and Cuba on the basis of quotas in effect after the proration of the 153,354 tons.

The act reserves to each area the right to enter its full quota even though a deficit may have been declared and reallocated to other areas.

(Sec. 403, 61 Stat. 932; 7 U.S.C. 1153. Interprets or applies secs. 202, 204; 61 Stat. 924, 925; 7 U.S.C. 1112, 1114)

Done at Washington, D.C., this 31st day of July 1959.

TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-6630; Filed, Aug. 11, 1959; 8:47 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[Lemon Reg. 803, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA Limitation of Handling

Findings. 1. Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

2. It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b) (1) (ii) of § 953.910 (Lemon Regulation 803, 24 F.R. 6184) are hereby amended to read as follows:

(ii) District 2: 372,000 cartons.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated: August 6, 1959.

FLOYD F. HEDLUND,
Acting Director, Fruit and
Vegetable Division, Agricultural
Marketing Service.

[F.R. Doc. 59-6628; Filed, Aug. 11, 1959; 8:46 a.m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Approval of Expenses and Rate of Assessment

Notice of rule making regarding the proposed expenses and rate of assessment to be made effective under Marketing Agreement No. 98, as amended, and Order No. 57, as amended (7 CFR Part 957), regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER July 11, 1959 (24 F.R. 5614). This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674). This notice afforded interested persons an opportunity to file data, views, or arguments pertaining thereto not later than 15 days after publication in the FEDERAL REGISTER. None was filed.

After consideration of all relevant matters presented, including the proposal set forth in the aforesaid notice which was recommended by the Idaho-Eastern Oregon Potato Committee, established pursuant to said amended marketing agreement and order, it is hereby found and determined that:

§ 957.212 Expenses and rate of assessment.

(a) The reasonable expenses that are likely to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and this part, to enable such committee to perform its functions, pursuant to provisions of the aforesaid marketing agreement and order, as amended, during the fiscal period beginning June 1, 1959 and ending May 31, 1960, will amount to \$30,000.00.

(b) The rate of assessment to be paid by each handler, pursuant to Marketing Agreement No. 98 and this part, shall be sixty cents per carload or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal period.

(c) Terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and this part.

(Secs. 1-19, 48 Stat. 31, as amended, 7 U.S.C. 601-674)

Dated, August 7, 1959, to become effective 30 days after publication in the FEDERAL REGISTER.

FLOYD F. HEDLUND,
Acting Director, Fruit and Vegetable Division, Agricultural Marketing Service.

[F.R. Doc. 59-6652; Filed, Aug. 11, 1959; 8:49 a.m.]

PART 1017—ONIONS GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREG.

Limitation of Shipments

Findings. (a) Marketing Agreement No. 130 and Order No. 117 (7 CFR Part 1017), effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601-674), provide methods for limiting the handling of onions grown in the area defined therein through the issuance of regulations authorized in §§ 1017.1 through 1017.88, inclusive, of the said marketing agreement and order. The Idaho-Eastern Oregon Onion Committee, pursuant to § 1017.51, of the said marketing agreement and order, has recommended that regulations limiting the handling of 1959 crop onions as authorized by said marketing agreement and order, should be issued. The recommendations of the committee and information submitted by it, with other available information, have been considered and it is hereby found that the limitation of shipments hereinafter set forth will tend to effectuate the declared policy of the act.

(b) It is hereby found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this section until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001-1011) in that (1) the time intervening between the date when information upon which this section is based became available and the time when this section must become effective in order to effectuate the declared policy of the act is insufficient, (2) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of onions, in the manner set forth below, on and after the effective date of this section, (3) compliance with this section will not require any special preparation on the part of handlers which cannot be completed by the effective date, (4) reasonable time is permitted, under the circumstances, for such preparation, (5) information regarding the committee's recommendations has been made available to producers and handlers in the production area, and (6) since substantial quantities of onions may be handled as early as the effective time hereof, this section should be operative not later than such time so as to maximize the benefits derivable from such regulation.

§ 1017.304 Limitation of shipments.

During the period from August 17, 1959, through June 30, 1960, no person shall handle any lot of onions unless such onions meet the requirements of paragraph (a) of this section or unless such onions are handled in accordance with paragraph (b) or (c) of this section.

(a) *Minimum size requirements*—(1) *Yellow varieties.* 2-inch minimum diameter, including, but not limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size.

(2) *All other varieties.* (i) 1½ inch minimum diameter, including, but not limited to, onions that are "medium" in size and onions that are "jumbo" or "large" in size.

(ii) Onions 1 to 2 inches in diameter, when packed separately.

(iii) Onions not more than 1 inch in diameter, when packed separately.

(b) *Special purpose shipments.* The minimum size requirements set forth in paragraph (a) of this section and the inspection and assessment requirements of this part shall not be applicable to shipments of onions for any of the following purposes:

- (1) Planting.
- (2) Livestock feed.
- (3) Charity.
- (4) Export.

(c) *Minimum quantity exception.* Each handler may ship up to, but not to exceed, one ton of onions any day without regard to the inspection and assessment requirements of this part, but this exception shall not apply to any portion of a shipment of over one ton of onions.

(d) *Inspection.* For the purpose of operation under this part, and unless exempted from inspection by the provision of this section, no handler shall handle onions of any variety unless such onions are inspected by an authorized representative of the Federal-State Inspection Service, pursuant to § 1017.60.

(e) *Definitions.* The term "diameter," as used in this section, shall have the same meaning and the tolerances for size shall be the same as in the United States Standards for Northern Grown Onions (§§ 51.2830 to 51.2847 of this title). The terms "medium" and "jumbo" or "large" shall have the following meaning:

(1) "Medium" means and relates to onions that are within a diameter range of 1½ inches to 3¼ inches, provided that in the case of onions of the yellow variety, "medium" means and relates to onions that are within a diameter range of 2 inches to 3¼ inches; and

(2) "Jumbo" or "large" each means and relates to onions that are 3 inches or larger in diameter.

(Secs. 1-19, 48 Stat. 31, as amended; 7 U.S.C. 601-674)

Dated, August 6, 1959, to become effective August 17, 1959.

FLOYD F. HEDLUND,
Acting Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-6629; Filed, Aug. 11, 1959; 8:48 a.m.]

Title 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 24—FORMAL EDUCATION REQUIREMENTS FOR APPOINTMENT TO CERTAIN SCIENTIFIC, TECHNICAL, AND PROFESSIONAL POSITIONS

Park Naturalist

Section 24.144 is added as set out below:

§ 24.144 Park Naturalist, GS-452-0 (all grades).

(a) *Educational requirement.* (1) Applicants must have successfully completed one of the following:

(i) A full 4-year course of study in an accredited college or university leading to a bachelor's or higher degree with major study in (a) botany, zoology, geology, natural history, or closely related subject-matter fields of natural history, such as ecology and wildlife management, or in (b) forestry, conservation, or science education, where the training has included at least 24 semester hours in botany, zoology, or geology.

(ii) Course-work in an accredited college or university with major study in botany, zoology, geology, natural history, forestry, conservation, science education, or closely related subject-matter fields of natural history such as ecology and wildlife management, where the training has included at least 24 semester hours of botany, zoology, or geology and has been supplemented by enough additional experience, or education, of an appropriate nature to total 4 years of experience and education or 4 years of education. The quality of this additional experience or education must have been such that, when combined with the required 24 semester hours in zoology, botany, or geology as enumerated above, it gives the applicant a technical and professional knowledge comparable to that normally acquired through the successful completion of the full 4-year course of study described in subdivision (i) of this subparagraph.

(b) *Duties.* Park Naturalists perform scientific and professional work in connection with the study and interpretation of the faunal, floral, geological, and other natural history features of national parks or similar areas. Most of this work is directly concerned with some phase of research or with the study, management, protection, and the interpretation of these natural history features. This involves the application of a specific and detailed knowledge of the scientific implications of these features, especially in setting up interpretative natural history programs and in the carrying out of these programs. Some of the work involves an intensive scientific study of various natural history features, a technical interpretation of the facts observed, and the preparation and publication of scientific reports or articles showing the results of the study.

(c) *Knowledges and training requisite for performance of duties.* The duties of these positions cannot be performed without a sound basic knowledge of the natural sciences, and of the scientific principles, concepts, and facts which underlie these sciences, and scientific training in one or more of the fields of natural history, such as zoology, botany, and geology. The knowledges and training required can only be acquired through the successful completion of a directed course of study in an accredited college or university which has scientific libraries, well-equipped laboratories, adequate facilities for scientific field study and thoroughly trained instructors, where the school is equipped to give expert guidance and can evaluate the student's progress competently.

(Sec. 11, 58 Stat. 390; 5 U.S.C. 860)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] Wm. C. HULL,
Executive Assistant.

[F.R. Doc. 59-6640; Filed, Aug. 11, 1959;
8:48 a.m.]

Chapter III—Foreign and Territorial Compensation

[Dept. Reg. 108.410]

PART 325—ADDITIONAL COMPENSATION IN FOREIGN AREAS

Designation of Differential Posts

Section 325.15 *Designation of differential posts*, is amended as follows, effective as of the beginning of the first pay period following September 5, 1959:

1. Paragraph (a) is amended by the deletion of the following:

Budapest, Hungary.
Moscow, U.S.S.R.
Prague, Czechoslovakia.

2. Paragraph (b) is amended by the deletion of the following:

Warsaw, Poland.

3. Paragraph (b) is amended by the addition of the following:

Budapest, Hungary.
Moscow, U.S.S.R.

4. Paragraph (c) is amended by the addition of the following:

Prague, Czechoslovakia.
Warsaw, Poland.

(Secs. 102, 401, E.O. 10000, 13 F.R. 5453, 3 CFR, 1948 Supp., E.O., 10623, E.O. 10636, 20 F.R. 5297, 7025, 3 CFR, 1955 Supp.)

For the Secretary of State.

LOY W. HENDERSON,
*Deputy Under Secretary
for Administration.*

JULY 29, 1959.

[F.R. Doc. 59-6626; Filed, Aug. 11, 1959;
8:46 a.m.]

Title 8—ALIENS AND NATIONALITY

Chapter I—Immigration and Naturalization Service, Department of Justice

MISCELLANEOUS AMENDMENTS TO CHAPTER

The following amendments to Chapter I of Title 8 of the Code of Federal Regulations are hereby prescribed:

PART 101—PRESUMPTION OF LAWFUL ADMISSION

§ 101.1 [Amendment]

Subparagraph (3) *Travel restrictions* of paragraph (f) *Citizens of the Philippine Islands* of § 101.1 *Presumption of lawful admission* is revoked.

PART 206—REVOCAION OF APPROVAL OF PETITIONS

Section 206.1 is amended to read as follows:

§ 206.1 Automatic revocation.

The approval of a petition made under sections 204, 205, or 214 (c) of the Act and in accordance with Parts 204, 205, or 214 of this chapter is revoked as of the date of approval in any of the following circumstances:

(a) *Sections 204 and 214(c)*. As to a petition approved under section 204 or 214(c) of the Act:

(1) The beneficiary is an alien seeking classification under section 101(a) (27) (F) (i) of the Act and is not issued a visa under the classification approved within one year of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203(a) (1) (A) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(3) The beneficiary is an alien seeking classification as a nonimmigrant under section 101(a) (15) (H) of the Act and is not issued a visa on or prior to the expiration date of approval shown on the approved petition.

(4) The petitioner dies, goes out of business, or files a written withdrawal of the petition before the beneficiary's journey to the United States commences.

(b) *Section 205*. As to a petition approved under section 205 of the Act:

(1) The beneficiary is an alien seeking classification under section 101(a) (27) (A) of the Act and is not issued a visa under the classification approved within two years of the date on which the petition was approved.

(2) The beneficiary is an alien seeking classification under section 203(a) (2), (3), or (4) of the Act and is not issued a visa under the classification approved within three years of the date on which the petition was approved or during the

quota year in which such three-year period expired.

(3) The petitioner loses his United States citizenship or his status as an alien lawfully admitted for permanent residence, whichever was applicable to the approval of the petition, or dies, before the beneficiary's journey to the United States commences.

(4) As to a spouse beneficiary, the marriage of the petitioner to the beneficiary terminates by death, divorce, or annulment before the beneficiary's journey to the United States commences.

(5) As to a child beneficiary, the beneficiary marries or reaches the 21st anniversary of his birth before the beneficiary's journey to the United States commences. In any such case involving a son or daughter of a United States citizen petitioner, the approved petition will continue to be valid for the purpose of section 203(a) (4) of the Act until the expiration of three years from the date of its approval or during the quota year in which such three-year period expired.

(6) The petitioner files a written withdrawal of the petition before the beneficiary's journey to the United States commences.

(c) *Revalidation*. Any petition approved under section 204 or 205 of the Act, which was automatically revoked by failure to obtain a visa within the prescribed period of time, may be revalidated by a district director, in his discretion, retroactively as of the date of the initial approval.

(d) *Notice*. When it shall appear to a district director that the approval of a petition has been automatically revoked, he shall cause a notice of such revocation to be sent promptly to the consular office having jurisdiction over the visa application and a copy of such notice to be mailed to the petitioner's last known address.

PART 211—DOCUMENTARY REQUIREMENTS: IMMIGRANTS; WAIVERS

Section 211.2 is amended to read as follows:

§ 211.2 Passports.

A passport valid for the bearer's entry into a foreign country at least 60 days beyond the expiration date of his immigrant visa shall be presented by each immigrant except an immigrant who (a) is the parent, spouse or unmarried son or daughter of a United States citizen or of an alien lawful permanent resident of the United States, or (b) is returning to an unrelinquished lawful permanent residence in the United States after a temporary absence abroad, or (c) is a stateless person or a person who because of his opposition to Communism is unwilling or unable to obtain a passport from the country of his nationality or is the accompanying spouse or unmarried son or daughter of such immigrant, or (d) is a first-preference quota immi-

grant, or (e) is a member of the Armed Forces of the United States, or (f) satisfies the district director in charge of the port of entry that there is good cause for failure to present the required document, in which case an application for waiver shall be made on Form I-193.

PART 223—REENTRY PERMITS

1. Section 223.2 is amended to read as follows:

§ 223.2 Form.

Reentry permits shall be issued on Form I-132 and shall indicate whether they are issued under section 223(a) (1) or (2) of the Act and the period of their validity.

§ 223.3 [Amendment]

2. The first sentence of § 223.3 *Extensions* is amended to read as follows: "An application for extension of a reentry permit shall be submitted to the office having jurisdiction over the applicant's place of residence in the United States or to the immigration officer stationed abroad having jurisdiction over the place where the applicant is temporarily sojourning prior to the expiration of the period of validity of the reentry permit."

PART 235—INSPECTION OF ALIENS APPLYING FOR ADMISSION

§ 235.1 [Amendment]

1. The second sentence of § 235.1 *General qualifications* is amended by deleting the word "Hawaii."

2. Section 235.6 is amended to read as follows:

§ 235.6 Referral to special inquiry officer.

(a) *Notice.* If, in accordance with the provisions of section 235(b) of the Act, the examining immigration officer detains an alien for further inquiry before a special inquiry officer, he shall immediately sign and deliver to the alien a Notice to Alien Detained for Hearing by Special Inquiry Officer (Form I-122). If the alien is unable to read or understand the notice, it shall be read and explained to him by an employee of the Service, through an interpreter, if necessary, prior to such further inquiry.

(b) *Certification for mental condition; medical appeal.* An alien certified under paragraph (1), (2), (3), (4), or (5) of section 212(a) of the Act shall be advised by the examining immigration officer that he may appeal to a board of medical officers of the United States Public Health Service pursuant to section 234 of the Act. If such an appeal is taken, the district director shall arrange for the convening of the medical board.

3. Section 235.7 is amended to read as follows:

§ 235.7 Referral of certain cases to district director.

If the examining officer has reason to believe that the cause of an alien's excludability can readily be removed by posting of a bond in accordance with section 213 of the Act, or by the exercise of

section 211, section 212(d) (3) or (4), or section 212(c) of the Act, he may in lieu of detaining the alien for hearing in accordance with section 235(b) and section 236 of the Act refer the alien's case to the district director within whose district the port is located for consideration of such action and defer further examination pending the district director's decision. Refusal of a district director to authorize admission under section 213 or to grant application for the benefits of section 211, section 212(d) (3) or (4), or section 212(c) of the Act shall be without prejudice to the renewal of such application or the authorizing of such admission by the special inquiry officer without additional fee.

PART 235a—PREEXAMINATION OF ALIENS WITHIN THE UNITED STATES

Part 235a is revoked.

PART 236—EXCLUSION OF ALIENS

§ 236.2 [Amendment]

Paragraph (d) *Certification for mental condition; medical appeal* of § 236.2 *Hearing* is revoked and paragraph (e) *Record* of that section is redesignated as paragraph (d).

PART 242—PROCEEDINGS TO DETERMINE DEPORTABILITY OF ALIENS IN THE UNITED STATES: APPREHENSION, CUSTODY, HEARING, AND APPEAL

§ 242.8 [Amendment]

1. The first sentence of paragraph (a) *Authority* of § 242.8 *Special Inquiry Officers* is amended by deleting the words "to authorize preexamination as provided by Part 235a of this chapter."

§ 242.21 [Amendment]

2. The first sentence of paragraph (a) *Non-appealable cases* of § 242.21 *Appeals* is amended by deleting the words "or preexamination" and "or eligible for preexamination pursuant to Part 235a of this chapter;"

PART 245—ADJUSTMENT OF STATUS OF NONIMMIGRANT TO THAT OF A PERSON ADMITTED FOR PERMANENT RESIDENCE

§ 245.1 [Amendment]

The third sentence of § 245.1 *Application* is revoked.

PART 251—ARRIVAL MANIFESTS AND LISTS; SUPPORTING DOCUMENTS

§ 251.1 [Amendment]

1. The first and last sentences of paragraph (a) of § 251.1 *Arrival manifests and lists* are amended to read as follows:

(a) *Presentation.* The master or agent of every vessel arriving in the United States from a foreign port, from an outlying possession of the United States, or from Guam, Puerto Rico, or

the Virgin Islands of the United States shall present to the immigration officer at the port of first arrival a manifest of all crewmen on board on Form I-418 in accordance with the instructions contained thereon. * * * The master or agent of every aircraft arriving in the United States shall present to the immigration officer at the port of first arrival a manifest on Customs Form 7507 of all crewmen on board, except that a manifest shall not be required of an aircraft arriving in a State of the United States directly from Canada on a flight originating in that country.

2. Paragraph (b) *Additional documents* of § 251.1 is amended by deleting the word "Hawaii."

PART 252—LANDING OF ALIEN CREWMEN

§ 252.1 [Amendment]

Paragraph (b) of § 252.1 *Examination of crewmen* is amended to read as follows:

(b) *Classes of aliens subject to examination under this part.* The examination of every alien crewman arriving in the United States shall be in accordance with this part and not otherwise except that the following classes of persons employed on vessels or aircraft shall be examined in accordance with the provisions of Parts 235, 236, and 237 of this chapter: (1) Aliens in possession of an immigrant visa, reentry permit, or a Form I-151 alien registration receipt card, applying for admission as immigrants; (2) Canadian or British crewmen serving on vessels plying solely between Canada and the United States; or (3) Canadian or British citizen crewmen of aircraft arriving in a State of the United States directly from Canada on flights originating in that country.

PART 299—IMMIGRATION FORMS

§ 299.1 [Amendment]

Section 299.1 is amended by deleting the following forms and references thereto:

Form No.	Title and description
FS-256a	Immigrant Visa and Alien Registration.
I-63	Application for Preexamination.

(Sec. 103, 66 Stat. 173; 8 U.S.C. 1103)

This order shall become effective on the date of its publication in the FEDERAL REGISTER. Compliance with the provisions of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) as to notice of proposed rule making and delayed effective date is unnecessary in this instance because the rules prescribed by the order, other than those which are editorial in nature or relieve restrictions, relate to agency procedure and management.

Dated: August 6, 1959.

J. M. SWING,
Commissioner of
Immigration and Naturalization.

[F.R. Doc. 59-6637; Filed, Aug. 11, 1959; 8:47 a.m.]

Title 21—FOOD AND DRUGS

Chapter I—Food and Drug Administration, Department of Health, Education, and Welfare

PART 19—CHEESES; PROCESSED CHEESES; CHEESE FOODS; CHEESE SPREADS, AND RELATED FOODS; DEFINITIONS AND STANDARDS OF IDENTITY

Republication of Part

Part 19 of Title 21 is republished for convenient reference as set forth below. This republication is made solely for editorial and codification purposes, and no change is made in the text of the regulations.

Sec.		Sec.	
19.500	Cheddar cheese, cheese; identity; label statement of optional ingredients.	19.595	Parmesan cheese, reggiano cheese; identity.
19.502	Cheddar cheese for manufacturing; identity.	19.610	Romano cheese; identity.
19.505	Washed curd cheese, soaked curd cheese; identity; label statement of optional ingredients.	19.615	Asiago fresh cheese, asiago soft cheese; identity; label statement of optional ingredients.
19.507	Washed curd cheese for manufacturing; identity.	19.620	Asiago medium cheese; identity.
19.510	Colby cheese; identity; label statement of optional ingredients.	19.625	Asiago old cheese; identity.
19.512	Colby cheese for manufacturing; identity.	19.635	Cook cheese, koch kaese; identity.
19.515	Cream cheese; identity; label statement of optional ingredients.	19.637	Sap sago cheese; identity.
19.520	Neufchatel cheese; identity; label statement of optional ingredients.	19.639	Gammelost cheese; identity.
19.525	Cottage cheese; identity.	19.650	Hard cheeses; identity.
19.530	Creamed cottage cheese; identity.	19.655	Semisoft cheeses; identity; label statement of optional ingredients.
19.532	Ricotta cheese; identity. [Stayed]	19.660	Semisoft part-skim cheeses; identity; label statement of optional ingredients.
19.533	Part-skim ricotta cheese; identity. [Stayed]	19.665	Soft ripened cheeses; identity; label statement of optional ingredients.
19.535	Granular cheese, stirred curd cheese; identity; label statement of optional ingredients.	19.670	Spiced cheeses; identity; label statement of optional ingredients.
19.537	Granular cheese for manufacturing; identity.	19.675	Part-skim spiced cheeses; identity; label statement of optional ingredients.
19.540	Swiss cheese, emmentaler cheese; identity; label statement of optional ingredients.	19.680	Hard grating cheeses; identity; label statement of optional ingredients.
19.542	Swiss cheese for manufacturing; identity.	19.685	Skim-milk cheese for manufacturing; identity.
19.543	Gruyere cheese; identity; label statement of optional ingredients.	19.750	Pasteurized process cheese; identity; label statement of optional ingredients.
19.544	Samsos cheese; identity.	19.751	Pasteurized blended cheese; identity; label statement of optional ingredients.
19.545	Brick cheese; identity; label statement of optional ingredients.	19.755	Pasteurized process cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.547	Brick cheese for manufacturing; identity.	19.760	Pasteurized process pimento cheese; identity; label statement of optional ingredients.
19.550	Muenster cheese, munster cheese; identity; label statement of optional ingredients.	19.763	Pasteurized blended cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.555	Edam cheese; identity.	19.765	Pasteurized process cheese food; identity; label statement of optional ingredients.
19.560	Gouda cheese; identity.	19.770	Pasteurized process cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.565	Blue cheese; identity.	19.775	Pasteurized process cheese spread; identity; label statement of optional ingredients.
19.567	Gorgonzola cheese; identity.	19.778	Pasteurized cheese spread; identity; label statement of optional ingredients.
19.569	Nuworld cheese; identity.	19.780	Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.570	Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk; identity.	19.781	Pasteurized cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.
19.575	Limburger cheese; identity.	19.782	Cream cheese with other foods; identity; label statement of optional ingredients.
19.580	Monterey cheese, monterey jack cheese; identity; label statement of optional ingredients.	19.783	Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.
19.585	High-moisture jack cheese; identity; label statement of optional ingredients.	19.785	Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.
19.590	Provolone cheese, pasta filata cheese; identity; label statement of optional ingredients.	19.787	Cold-pack cheese food; identity; label statement of optional ingredients.
19.591	Caciocavallo siciliano cheese; identity; label statement of optional ingredients.	19.788	Cold-pack cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.
		19.790	Grated American cheese food; identity; label statement of optional ingredients.

AUTHORITY: §§ 19.500 to 19.790 issued under sec. 701, 52 Stat. 1055, as amended; 21 U. S. C. 371. Interpret or apply sec. 401, 52 Stat. 1046, as amended; 21 U. S. C. 341.

§ 19.500 Cheddar cheese, cheese; identity; label statement of optional ingredients.

(a) Cheddar cheese, cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in paragraph (c) of this section. If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by sprinkling or pouring water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of cheddar cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) Determine moisture by the method prescribed on page 262 (15.124) [Ed. note, 8th edition, 1955, p. 278, sec. 15.129], under "Moisture—Official," and milk fat by the method prescribed on page 263 (15.131) [Ed. note, 8th edition, 1955, p. 279, sec. 15.136], under "Fat—Official," of "Official Methods of Analysis of the Association of Official Agricultural Chemists," Seventh Edition, 1950. Subtract the percent of moisture found from 100; divide the remainder into the percent milk fat found. The quotient, multiplied by 100, shall be considered to be the percent of milk fat contained in the solids.

(d) Cheddar cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Cheddar cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in paragraph (f) of this section.

(f) The method referred to in paragraph (e) (2) of this section is as follows:

I. Reagents—1. Buffers—a. *Barium borate-hydroxide buffer.* Dissolve 25.0 gm. of c. p. barium hydroxide (Ba(OH)₂·8H₂O, fresh, not deteriorated) in distilled water and dilute to 500 ml. Dissolve, in another flask or cylinder, 11.0 gm. of c. p., boric acid (H₃BO₃) and dilute to 500 ml. Warm each to 50° C. (122° F.), mix the two together, stir, cool to approximately 20° C. (68° F.), filter, and stopper the filtrate tightly (pH approximately 10.6). The buffer prepared thus is designated as the 25-11 buffer, the figures indicating the grams per liter of each of the respective reagents.

b. *Color-development buffer.* Dissolve 6.0 gm. of sodium metaborate (NaBO₂) and 20 gm. of sodium chloride in water and dilute to a liter with water (pH 9.8).

c. *Color-dilution buffer.* Dilute 100 ml. of color-development buffer 1-b to a liter with water.

d. *Standard borax buffer, 0.01-molar, for checking pH meter, pH 9.18 at 25° C.* Dissolve 0.9544 gm. of pure borax (Bureau of Standards Sample 187) in distilled water (distilled recently or freshly boiled and cooled) and dilute to 250 ml. Keep stoppered tightly.

2. *Buffer substrates.* Specify phenol-free crystalline disodium phenyl phosphate.

a. *For evaluating pasteurization.* Dissolve 0.10 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1-a.

b. *For quantitative results with raw-milk cheese.* Dissolve 0.20 gm. of the phenyl phosphate in 100 ml. of the appropriate (table 1) barium borate-hydroxide buffer 1-a.

3. *Protein precipitants—*a. *Zinc-copper precipitant for unripened cheese.* Dissolve 6.0 gm. of zinc sulfate (ZnSO₄·7H₂O) and 0.1 gm. of copper sulfate (CuSO₄·5H₂O) in water and dilute to 100 ml. with water. The precipitant prepared thus is designated as the 6.0-0.1 precipitant.

b. *Zinc precipitant for ripened cheese.* Dissolve 6.0 gm. of zinc sulfate in water and dilute to 100 ml. with water. This precipitant is designated as the 6.0 precipitant.

4. *BQC (2,6-dibromoquinone-chloroimine solution) (Gibbs' reagent):* Dissolve 40 mg. of BQC powder in 10 ml. of absolute methyl alcohol and transfer to a dark-colored dropper bottle. This reagent remains stable for at least a month if kept in the ice tray of a refrigerator. Do not use it after it begins to turn brown.

5. *Other reagents—*a. *Copper sulfate, 0.05 percent, for standards.* Dissolve 0.05 gm. of copper sulfate in water and dilute to 100 ml.

b. *Butyl alcohol.* Specify *n*-butyl alcohol, boiling point 116°-118° C. To adjust the pH, mix 50 ml. of the color-development buffer 1-b with a liter of the butyl alcohol.

6. *Phenol standards—*a. *Stock solution.* Weigh accurately 1.0 gm. of pure phenol, transfer to a liter volumetric flask, dilute to a liter with water, and mix. One ml. contains 1 mg. (0.001 gm.) of phenol. Use this stock solution to prepare standard solutions. It is stable for several months in the refrigerator.

b. *Preparation of standards.* Dilute 10.0 ml. of the stock solution 6-a to a liter with water, and mix. One ml. contains 10 micrograms (0.00001 gm., 10 gammas, or 10 units) of phenol. Use this standard solution to prepare more dilute standard solutions; e. g., dilute 5, 10, 30, and 50 ml. to 100 ml. with water to prepare standard solutions containing 0.5, 1.0, 3.0, and 5.0 gammas or units of phenol per milliliter, respectively. Keep standard solutions in the refrigerator.

In a similar manner, prepare from the stock solution such more concentrated standard solutions as may be needed, containing, for example, 20, 30, and 40 units per milliliter.

Measure appropriate quantities of the phenol standard solution into a series of tubes (preferably graduated at 5.0 and 10.0 ml.) to provide a suitable range of standards as needed, containing 0 (control blank), 0.5, 1.0, 3.0, 5.0, 10.0, etc., to 30 or 40 units. To increase the brightness of the blue color and improve the stability of the standards, add 1.0 ml. of 0.05 percent copper sulfate solution 5-a to each.

Add 5.0 ml. of color dilution buffer 1-c and add water to bring the volume to 10.0 ml. Add 4 drops (0.08 ml.) of BQC 4, mix, and allow to develop for 30 minutes at room temperature. If the butyl alcohol extraction method is to be used in the test, extract the standards as described under III Conducting the Test.

Read the color intensities with a photometer, subtract the value of the blank from the value of each phenol standard, and prepare a standard curve (straight line). When the standards are to be used for visual comparisons they should be stored in a refrigerator.

II. *Sampling—*1. *Hard cheese.* Take a sample from the interior with a clean Roquefort trier, place in a small tube, stopper the tube, and keep it in a refrigerator.

2. *Soft and semisoft ripened cheese.* Harden the cheese by chilling it in the freezing chamber of a refrigerator. Taking special precaution to avoid contaminating the sample with phosphatase that may be present on the surface, use either of the following methods for sampling:

a. Cut a portion from the end of the loaf or from the side of the cheese, extending in at least 2 inches if possible or to a point somewhat beyond the center in the case of a small cheese. Cut a slit $\frac{1}{4}$ to $\frac{1}{2}$ inch deep at least halfway around the portion and midway between the top and bottom. Break the portion into two parts, pulling it apart so that it breaks on a line with the slit, being careful not to contaminate the freshly exposed, broken surface. Remove the sample from the freshly exposed surface at or near the center of the cheese.

b. Remove the surface of the area to be sampled—e. g., the end and the adjacent sides—with a clean knife or spatula, to a depth of $\frac{1}{4}$ inch. Clean the instrument and hands with hot water and phenol-free soap and wipe them dry. Remove the freshly exposed surface to a similar or greater depth and repeat the cleaning. Then take the sample from the center of the freshly exposed area, preferably at or near the center of the cheese in the case of a small cheese.

3. *Process cheese, spreads, etc.* Take the sample from beneath the surface with a clean knife or spatula.

Avoid the use of samples contaminated with mold.

4. *Preservation.* If a preservative is necessary, put 1 to 3 ml. of chloroform in the container, cover with a plug of cotton, insert sample and stopper container tightly. Label preserved samples, "Poison—Preservative added."

III. *Conducting the test.* 1. Weigh, on a clean balance pan or watch glass, a 0.50-gm. sample (preferably two samples in duplicate) and place in a culture tube 16 or 18 x 150 mm. Similarly, weigh another sample and place in a tube as a control or blank. If the cheese is sticky, weigh the sample on a piece of wax paper about 1 x 1 inch and insert the paper with the sample into the tube. Macerate the blank and the test with a glass rod about 8 x 180 mm.

2. Add to the blank 1.0 ml. of the appropriate (Table 1) barium buffer 1-a (without substrate added), macerate with the rod, leave the rod in the tube, heat for about a minute to at least 85° C. (185° F.) in a beaker of boiling water with the beaker covered so that the entire tube becomes heated to approximately 85° C., cool to room temperature, and macerate again with the rod.

3. Add to the test 1.0 ml. of the appropriate (Table 1) barium buffer substrate 2-a or 2-b, and macerate.

From this point, treat the blank and the test in a similar manner.

Add 9.0 ml. of the appropriate barium buffer substrate 2-a or 2-b (total, 10.0 ml. added), and mix. The rod may be left in the tube during incubation; or, if removing it at this point, cut a piece of filter paper approximately 1 x 1 inch, wrap and hold it tightly around the rod, rotate the rod while withdrawing it from within the tube so as to wipe the rod clean, insert the paper with the adhering fat into the tube, and stopper the tube.

4. Incubate in a water bath at 37°-38° C. (99°-100° F.) for 1 hour, mixing or shaking the contents occasionally.

5. Place in a beaker of boiling water for nearly a minute, heating to 85° C. (185° F.), and cool to room temperature.

6. Pipet in 1.0 ml. of the zinc precipitant 3-b for ripened cheese or the zinc-copper precipitant 3-a for unripened cheese, and mix thoroughly (pH of mixture, 9.0-9.1).

7. Filter (5-cm. funnel, 9-cm. Whatman No. 42 or No. 2 paper recommended), and collect 5.0 ml. of filtrate in a tube, preferably graduated at 5.0 and 10.0 ml.

8. Add 5.0 ml. of color-development buffer 1-b (pH of mixture, 9.3-9.4).

9. Add four drops¹ of BQC 4, mix, and allow the color to develop for 30 minutes at room temperature.

10. Determine the amount of blue color by either of two methods:

a. *With a photometer.* Read the color intensity of the blank and that of the test, subtract the reading of the blank from that of the test, and convert the result into phenol equivalents by reference to the standard curve described under "Phenol standards." The butyl alcohol extraction method is ordinarily unnecessary when using a photometer.

b. *With visual standards.* For quantitative results in borderline instances, e. g., tests yielding 0.5 to 5 units of color, extract with butyl alcohol 5-b. Add 5.0 ml. of the alcohol and invert the tube slowly several times. Centrifuge if necessary to increase the clearness of the alcohol layer. Compare the blue color with the colors of standards in the alcohol.

¹All pH values reported herein were determined at 25° C. or corrected to that temperature.

¹For merely detecting underpasteurization, in testing unripened cheese, two drops is sufficient, provided the visual standards are prepared likewise with two drops.

With samples yielding more than 5 units, compare the colors in aqueous tests with those of aqueous standards.

11. *Dilution method for quantitative results.* In tests that are observed during color development to be strongly positive, e. g., 20 units or more, in which four drops of BQC may be much less than sufficient to combine with all of the phenol, pipet an appropriate proportion of the contents into another tube, make up to 10.0 ml. with color-dilution buffer 1-c, and add two drops more of BQC in the case of unripened cheese or four drops in the case of ripened cheese. With each test, dilute and treat the blank in the corresponding manner. Dilute each strongly positive test thus until the final color is within the range of the standards or photometer. Allow 30 minutes for color development after the last addition of BQC, and make the reading at the end of the 30-minute period. Multiply, for example, by 2 for a 5+5 dilution, 10 for a 1+9 dilution, and 50 for a 1+9 followed by a 2+8 dilution.

Alternatively, to reduce the amount of yellow off color, add two instead of four drops of BQC after each dilution, and allow the color to develop. Then test the completeness of color development by adding a third drop; repeat the dilution procedure until the addition of an extra drop does not cause any further increase in the amount of blue color.

12. *Calculation and evaluation of results.* When using 0.5 gm. of sample and adding a total of 11.0 ml. of liquid, multiply the value of the reading by 1.1 to convert it to units of color or phenol equivalents per 0.25 gm. of cheese. The result may, if desired, be converted to phenol equivalents per 1 gm. by multiplying by 4.4.

IV. *Photometric determination.* To read the color in aqueous solution, use a filter with maximum light transmission in the region of 610 m_{μ} wave length.

To read the color in butyl alcohol, extract the color as described above. If necessary, centrifuge the sample for 5 minutes to break the emulsion and to remove the moisture suspended in the alcohol layer. A Babcock centrifuge can be adapted for this purpose by making special tube holders as follows: Slice a section $\frac{1}{4}$ inch thick from a rubber stopper of suitable diameter to fit in the bottom of the centrifuge cup. Glue together two cork stoppers of appropriate diameter, bore through the center a hole of proper size to hold the tube snugly, and insert the double-cork section into the cup. After centrifuging, remove nearly all of the butyl alcohol by means of a pipet with a rubber bulb on the top end. Filter the alcohol into the photometer cell and read with a filter with maximum light transmission in the region of 650 m_{μ} wave length.

If more than approximately 4 ml. of butyl alcohol is required for the photometer used, conduct the test in a larger tube and extract the color, in both the test and the standards, with the necessary quantity of butyl alcohol rather than with 5 ml. specified above.

V. *Precautions.* The length of time that the crystalline disodium phenyl phosphate and the BQC powder will remain stable can be increased greatly by keeping them in the freezing chamber of a refrigerator, and by keeping them dry.

The glassware, stoppers, and sampling tools should be scrupulously clean, and it is desirable to soak them in hot, running water after cleaning.

The solid barium hydroxide and the barium buffer must be kept stoppered tightly to prevent absorption of carbon dioxide. Phenolic contamination from plastic closures on reagent bottles has been encountered, and therefore the use of plastic closures should be avoided. Rubber stoppers should not be used in flasks in which butyl alcohol is stored. Glass or cork stoppers should be used.

VI. *Modifications for different cheeses.* Different kinds of cheese and cheeses of different ages have different buffering capacities, and therefore some of them require modification of concentrations of the reagents. The modifications of the barium buffer needed to produce optimal pH conditions during incubation (9.85-10.20), and of the precipitant to yield uniformly clear filtrates and to minimize interference during color development under optimal pH conditions (9.3-9.4), are specified in Table I.

With some samples, especially those of unknown history, slight deviations from the optimal pH range may occur, but such deviations do not very materially affect the results. For example, pH values as low as 9.6 or as high as 10.35 during incubation have been found to result in an average decrease of not more than 20 percent below the maximum in the quantity of phenol liberated. The use of the 25-11 buffer substrate with

samples for which the 27-11 buffer substrate is specified yields pH values not lower than 9.8.

In testing cheese of unknown history or age, information as to the percentage of solids, especially the nonfat solids, is useful as an indication of the correct buffer to use; cheese with a relatively high percentage of nonfat solids generally requires the use of a relatively concentrated buffer to adjust the pH of the mixture correctly.

For precise quantitative results on unknown samples, adjust the pH to 10.0-10.05 for the incubation.

Cottage cheese curd is heated in the presence of considerable acid during manufacture, and therefore its phosphatase values are comparatively low. Alternatively, to increase the sensitivity of the test on cottage cheese, apply the following modifications: Use a 1.0-gm. sample, 27-11 buffer substrate, 2-hour incubation, and 6.0-0.1 precipitant.

Table I—PHOSPHATASE TEST MODIFICATIONS FOR DIFFERENT KINDS OF CHEESE AND CHEESE OF DIFFERENT AGES

Kind of cheese	Age or extent of curing; other details	Buffer for optimal pH (9.85-10.20)	Precipitant
Cheddar, granular, stirred curd, hard cheese	1 week	25-11	6.0-0.0
	1 week-1½ months	25-11	6.0
	1½-4 months	27-11	6.0
	4 months	27-11	6.1
Washed curd, soaked curd, colby	1 week	25-11	6.0-0.0
	1 week-2 months	25-11	6.0
	2 months	26-11	6.0
Swiss, gruyere	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.1
	1-3 months	26-11	6.0
Brie, muenster	3 months	27-11	6.0
	1 week	25-11	6.0-0.0
	1 week-1 month	25-11	6.1
Edam, gouda	1-2 months	25-11	6.0
	2 months	26-11	6.0
	1 week	25-11	6.0-0.1
Blue mold, blue	1 week-2 months	25-11	6.0-0.1
	2-4 months	26-11	6.0
	4 months	27-11	6.0
	1 week	25-11	6.0-0.1
Camembert, limburger	1 week-1 month	25-11	6.0
	1-2 months	26-11	6.0
	2 months	27-11	6.0
Monterey	1 week	25-11	6.0-0.1
	1 week-2 months	25-11	6.0
	2 months	26-11	6.0
High-moisture jack	1 week	25-11	6.0-0.1
	1 week-2½ months	25-11	6.0
	2½ months	26-11	6.0
Provolone, pasta filata	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1-3 months	26-11	6.0
Parmesan, reggiano, monte, modena, romano, asiago old.	3 months	27-11	6.0
	1 week	25-11	6.0-0.1
	1 week-2 months	26-11	6.0
Asiago fresh	2-6 months	27-11	6.0
	6 months-1 year	23-11	6.0
	1 year	29-11	6.0
	Same as cheddar		
Asiago medium	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1-3 months	26-11	6.0
Gorgonzola	3 months	27-11	6.0
	Same as blue		
	Dry	25-11	6.0-0.1
Cottage, cook cheese, koch kaese	Moist	25-11 (8+2)	4.5-0.1
		25-11 (7+3)	6.0-0.1
Cream cheese	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1 month	26-11	6.0
Semisoft cheese	1 week	25-11	6.0-0.1
	1 week-1 month	25-11	6.0
	1 month	26-11	6.0
Soft ripened cheese	1 week-1 month	25-11	6.0-0.1
	1 month	26-11	6.0
	1 week	25-11	6.0
Nokkelost, kuminost, sage cheese	1 week-1½ months	25-11	6.0-0.1
	1½-4 months	26-11	6.0
	4 months	27-11	6.0
	(Soft, mild)	25-11	6.0
Pasteurized process, pasteurized process pimento, pasteurized process with fruits, meats, etc.	(Medium, firm)	26-11	6.0
	(Firm, sharp (including swiss, gruyere))	27-11	6.0
	Same as pasteurized process		
Pasteurized process cheese foods; pasteurized process cheese foods with fruits, meats, etc.	(Soft, high moisture, including cream spreads)	25-11	6.0
	(Less soft, including blue)	26-11	6.0
Pasteurized process cheese spreads; pasteurized process cheese spreads with fruits, meats, etc.	(Mild to medium flavored, soft)	26-11	6.0
	(Sharp, firm)	27-11	6.0
Cold-pack, club; cold-pack cheese foods; cold-pack cheese foods with fruits, meats, etc.			

¹ Grams Ba(OH)₂·8H₂O and H₃BO₃ per liter, respectively.

² Grams ZnSO₄·7H₂O and CuSO₄·5H₂O per 100 ml., respectively.

³ Grams ZnSO₄·7H₂O per 100 ml.

⁴ 8 parts of 25-11 buffer plus 2 parts of water.

(g) (1) If cheddar cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.502 Cheddar cheese for manufacturing; identity.

Cheddar cheese for manufacturing conforms to the definition and standard of identity prescribed for cheddar cheese by § 19.500, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.505 Washed curd cheese, soaked curd cheese; identity; label statement of optional ingredients.

(a) Washed curd cheese, soaked curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 42 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. The mass is cut into slabs, which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, cooled in water, and soaked therein until the whey is partly extracted and water is absorbed. The curd is drained, salted, stirred, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of washed curd cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Washed curd cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Washed curd cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If washed curd cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.507 Washed curd cheese for manufacturing; identity.

Washed curd cheese for manufacturing conforms to the definition and standard of identity prescribed for washed curd cheese by § 19.505, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.510 Colby cheese; identity; label statement of optional ingredients.

(a) Colby cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 40 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The

mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off, and the curd is cooled by adding water, the stirring being continued so as to prevent the pieces of curd from matting. The curd is drained, salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of colby cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water, in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Colby cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Colby cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If colby cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.512 Colby cheese for manufacturing; identity.

Colby cheese for manufacturing conforms to the definition and standard of identity prescribed for colby cheese by § 19.510, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.515 Cream cheese; identity; label statement of optional ingredients.

(a) Cream cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cream cheese contains not less than 33 percent of milk fat and not more than 55 percent of moisture, as determined, respectively by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Of-

ficial Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Eighth Edition, 1955, at pages 279 and 278.)

(b) (1) Cream or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph is pasteurized and may be homogenized. To such cream or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added, and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of cream cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished cream cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk. If concentrated milk, concentrated skim milk, or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section, the term "milk" means sweet milk of cows, "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in cream cheese, the label shall bear the statement "----- Added" or "With Added -----," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Cream Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.520 Neufchatel cheese; identity; label statement of optional ingredients.

(a) Neufchatel cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished neufchatel cheese contains not less than 20 percent but less than 33 percent of milk fat and not more than 65 percent of moisture, as determined, respectively, by the methods prescribed under "Fat—Official" on page 302 and under "Moisture—Official" on page 301 of "Official and Tentative Methods of

Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940. (These methods appear in the Eighth Edition, 1955, at pages 279 and 278.)

(b) (1) Milk or a mixture of cream with one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or a mixture of concentrated milk with milk or with water not in excess of that removed when the milk was concentrated is pasteurized and may be homogenized. To such milk or mixture harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be warmed; it may be stirred; it is then drained. The curd may be pressed, chilled, worked, seasoned with salt; it may be heated, with or without added cream or one or more of the dairy ingredients specified in subparagraph (3) of this paragraph or both, until it becomes fluid, and it may then be homogenized or otherwise mixed.

(2) In the preparation of neufchatel cheese one or any mixture of two or more of the optional ingredients gum karaya, gum tragacanth, carob bean gum, gelatin, or algin may be used; but the quantity of any such ingredient or mixture is such that the total weight of the solids contained therein is not more than 0.5 percent of the weight of the finished neufchatel cheese.

(3) The dairy ingredients referred to in subparagraph (1) of this paragraph are milk, skim milk, concentrated milk, concentrated skim milk, and nonfat dry milk. If concentrated milk, concentrated skim milk, or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the milk or skim milk was concentrated or dried.

(4) For the purposes of this section the term "milk" means sweet milk of cows; "skim milk" means milk from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

(c) When an optional ingredient listed in paragraph (b) (2) of this section is present in neufchatel cheese, the label shall bear the statement "----- Added" or "With Added -----," the blank being filled in with the word or words "Vegetable Gum" or "Gelatin" or "Algin" or any combination of two or all of these, as the case may be. Wherever the name "Neufchatel Cheese" appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredients present shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.525 Cottage cheese; identity.

(a) Cottage cheese is the soft uncured cheese prepared by the procedure set forth in paragraph (b) of this section. The finished cottage cheese contains not more than 80 percent of moisture, as determined by the method prescribed under "Moisture—Official" on page 301 of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(This method appears in the Eighth Edition, 1955, at page 278.)

(b) (1) One or more of the dairy ingredients specified in subparagraph (2) of this paragraph is pasteurized; calcium chloride may be added in a quantity of not more than 0.02 percent (calculated as anhydrous calcium chloride) of the weight of the mix; harmless lactic-acid-producing bacteria, with or without rennet, are added and it is held until it becomes coagulated. The coagulated mass may be cut; it may be warmed; it may be stirred; it is then drained. The curd may be washed with water and further drained; it may be pressed, chilled, worked, seasoned with salt.

(2) The dairy ingredients referred to in subparagraph (1) of this paragraph are sweet skim milk, concentrated skim milk, and nonfat dry milk. If concentrated skim milk or nonfat dry milk is used, water may be added in a quantity not in excess of that removed when the skim milk was concentrated or dried.

(3) For the purposes of this section the term "skim milk" means the milk of cows from which the milk fat has been separated, and "concentrated skim milk" means skim milk from which a portion of the water has been removed by evaporation.

§ 19.530 Creamed cottage cheese; identity.

(a) Creamed cottage cheese is the soft uncured cheese prepared by mixing cottage cheese with pasteurized cream or a pasteurized mixture of cream with milk or skim milk or both. Such cream or mixture is used in such quantity that the milk fat added thereby is not less than 4 percent by weight of the finished creamed cottage cheese. The finished creamed cottage cheese contains not more than 80 percent of moisture as determined by the method prescribed under "Moisture—Official" on page 301 [Ed. note, 8th edition, 1955, p. 278] of "Official and Tentative Methods of Analysis of the Association of Official Agricultural Chemists," Fifth Edition, 1940.

(b) For the purposes of this section "milk" means sweet milk of cows and "skim milk" means milk from which the milk fat has been separated.

§ 19.532 Ricotta cheese; identity. [Stayed]

(a) Ricotta cheese is the food prepared from heated milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent of moisture and not less than 11 percent of milk fat, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which may be warmed or pasteurized or both, and which may be clarified or homogenized or both, is mixed with an acidifying agent prescribed by paragraph (d) of this section. Salt may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity of not more than

0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) may be added to set the milk. The mixture is heated until a temperature of about 180° F. is reached, and it is held near that temperature until the curd separates. The curd is removed by skimming, or the whey is drained or siphoned off. The curd is placed in perforated containers to permit further drainage. The containers may be placed in cold water for cooling, and they are then removed from the water for further drainage. Additional curd may be obtained from the whey by the further addition of an acidifying agent prescribed by paragraph (d) of this section, or by further heating or both. The curd may be whipped or beaten to obtain a finer texture.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a sufficient quantity to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Ricotta cheese shall be deemed to have been prepared from heated milk if during its preparation the milk or the mixture of milk and other ingredients specified in this section have been held at a temperature of not less than 143° F. for a period of not less than 30 minutes of for a time and at a temperature equivalent thereto in phosphatase destruction. Ricotta cheese shall be deemed not to have been prepared from properly heated milk if 0.25 gram shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (f), moist cottage cheese modification.

(d) The acidifying agents prescribed in paragraph (b) of this section are one or a mixture of two or more of the following: Culture of harmless lactic-acid-producing bacteria, a vinegar, fermented whey, lactic acid, and citric acid.

NOTE: § 19.532 was stayed in entirety at 21 F.R. 8492, Nov. 6, 1956.

§ 19.533 Part-skim ricotta cheese; identity. [Stayed]

Part-skim ricotta cheese conforms to the definition and standard of identity prescribed by § 19.532 for ricotta cheese, except that it contains less than 11 percent of milk fat, but not less than 6 percent.

NOTE: § 19.533 was stayed in its entirety at 21 F.R. 8492, Nov. 6, 1956.

§ 19.535 Granular cheese, stirred curd cheese; identity; label statement of optional ingredients.

(a) Granular cheese, stirred curd cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture, and its solids contain not

less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. A part of the whey is drained off. The curd is then alternately stirred and drained to prevent matting and to remove whey from curd. The curd is then salted, stirred, drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of granular cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes or for a time and at a temperature equivalent thereto in phosphatase destruction. Granular cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Granular cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If granular cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.537 Granular cheese for manufacturing; identity.

Granular cheese for manufacturing conforms to the definition and standard of identity prescribed for granular cheese by § 19.535, except that the milk is not pasteurized, curing is not required, and

the provisions of paragraph (d) of that section do not apply.

§ 19.540 Swiss cheese, emmentaler cheese; identity; label statement of optional ingredients.

(a) Swiss cheese, emmentaler cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has holes, or eyes, developed throughout the cheese. It contains not more than 41 percent of moisture, and its solids contain not less than 43 percent of milk fat, as determined by the methods prescribed in § 19.500(c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The acidity of the whey at this point, calculated as lactic acid, does not exceed 0.13 percent. The curd is transferred to hoops or forms and pressed until the desired shape and firmness are obtained. The cheese is then salted by immersing it in a saturated salt solution for about 3 days. It is then held at a temperature of about 50° F. to 60° F. for a period of 5 to 10 days, after which it is held at a temperature of about 75° F. until it is approximately 30 days old, or until the so-called eyes form. Salt, or a solution of salt in water, is added to the surface of the cheese at some time during the curing process. The cheese is then stored at a lower temperature for further curing. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of swiss cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

(d) Swiss cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If swiss cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.542 Swiss cheese for manufacturing; identity.

Swiss cheese for manufacturing conforms to the definition and standard of identity prescribed for swiss cheese by § 19.540, except that the holes, or eyes, have not developed throughout the entire cheese, and the provisions of paragraph (d) of that section do not apply.

§ 19.543 Gruyere cheese; identity; label statement of optional ingredients.

(a) Gruyere cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 39 percent of moisture and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It contains small holes, or eyes. It has a mild flavor, due in part to the growth of surface-curing agents. It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto; harmless propionic-acid-producing bacteria may also be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles similar in size to wheat kernels. For about 30 minutes the particles are alternately stirred and allowed to settle. The temperature is raised to about 126° F. Stirring is continued until the curd becomes firm. The curd is transferred to hoops or forms, and pressed until the desired shape and firmness are obtained. The cheese is surface-salted while held at a temperature of 48° F. to 54° F. for a few days. It is soaked for 1 day in a saturated salt solution. It is then held for 3 weeks in a salting cellar and wiped every 2 days with brine cloth to insure growth of biological curing agents on the rind. It is then removed to a heating room and held at progressively higher temperatures, finally reaching 65° F., with a relative humidity of 85 to 90 percent, for several weeks, during which time small holes, or so-called eyes, form. The cheese is then stored at a lower temperature for further curing. A harmless

preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gruyere cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

(d) Gruyere cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If gruyere cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.544 Samsoe cheese; identity.

(a) Samsoe cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. The shape of the cheese is flat cylindrical. Its weight is approximately 30 pounds (14 kilograms); its diameter is approximately 17 inches (44 centimeters); and its height is approximately 4 inches (10 centimeters). It has a small amount of eye formation of approximately uniform size of about $\frac{1}{16}$ -inch (8 millimeters). It contains not more than 41 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). The cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days. The surface may be covered with plain or colored paraffin or other tightly adhering coating.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately $\frac{3}{8}$ -inch (1 centimeter). The

mass is stirred and heated to about 102° F., and so handled by further stirring, heating, dilution with water, and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage, the curd is pressed. After drainage, the curd is removed from the forms and is further salted by immersing in a concentrated salt solution for about 3 days. The curd is then cured at a temperature of from 60° to 70° F. for 3 to 5 weeks to obtain the desired eye formation. Further curing is conducted at a lower temperature.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto cream or skim milk.

§ 19.545 Brick cheese; identity; label statement of optional ingredients.

(a) Brick cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 88° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately $\frac{3}{8}$ -inch long, and stirred and heated so that the temperature rises slowly to about 96° F. The stirring is continued until the curd is sufficiently firm. Part of the whey is then removed, and the mixture diluted with water or salt brine to control the acidity. The curd is transferred to forms, and drained. During drainage it is pressed and turned. After drainage the curd is salted, and the biological curing agents characteristic of brick cheese are applied to the surface. The cheese is then cured to develop the characteristics of brick cheese. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of brick cheese may be added during the procedure, in such quantity that the weight of the solids

of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Brick cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500(f).

(d) Brick cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If brick cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.547 Brick cheese for manufacturing; identity.

Brick cheese for manufacturing conforms to the definition and standard of identity for brick cheese prescribed by § 19.545, except that the milk is not pasteurized, curing is not required, and the provisions of paragraph (d) of that section do not apply.

§ 19.550 Muenster cheese, munster cheese; identity; label statement of optional ingredients.

(a) Muenster cheese, munster cheese, is the food prepared from pasteurized milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c).

(b) Milk, which is pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the

mass is divided into small portions, stirred, and heated, with or without dilution with water or salt brine, so as to promote and regulate the separation of whey and curd. The curd is transferred to forms permitting drainage of the whey. During drainage the curd may be pressed and turned. After drainage the curd is removed from the forms and is salted. The surface of the cheese may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of muenster cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Muenster cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Muenster cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If muenster cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.555 Edam cheese; identity.

(a) Edam cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 40 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days. Edam cheese is made in ball or loaf shapes, and the surface is covered with a red-colored paraffin or other tightly adhering coating, colored red.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. After coagulation the mass is cut into small cube-shaped pieces with sides approximately $\frac{3}{8}$ -inch long. The mass is stirred and heated to about 90° F., and so handled by further stirring, heating, dilution with water or salt brine, and salting as to promote and regulate the separation of curd and whey. When the desired curd is obtained, it is transferred to forms permitting drainage of whey. During drainage the curd is pressed and turned. After drainage the curd is removed from the forms and is salted and cured. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of edam cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Edam cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

§ 19.560 Gouda cheese; identity.

Gouda cheese conforms to the definition and standard of identity prescribed for edam cheese by § 19.555, except that the fat content of its solids is not less than 46 percent. It is made in the shape of a compressed sphere, in which the compressed sides are parallel and flat. The surface may or may not be covered with red-colored paraffin or similar tightly adhering coating.

§ 19.565 Blue cheese; identity.

(a) Blue cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 46 percent moisture, and its solids contain

not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of the mold *Penicillium roquefortii* are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of blue cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk.

(2) Such milk may be bleached by the use of benzoyl peroxide or a mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate; but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: Cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, nonfat dry milk, water sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.567 Gorgonzola cheese; identity.

(a) Gorgonzola cheese is the food prepared from cow's milk or goat's milk or mixtures of these, and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces

a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It is made in loaves weighing between 14 and 17 pounds. It contains not more than 42 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 90 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed into forms permitting further drainage. While being placed in forms, spores of the mold *Penicillium glaucum* are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd and it is held at a temperature of approximately 50° F., at 90 to 95 percent relative humidity, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of gorgonzola cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or mixtures of these.

(2) Such milk may be bleached by the use of benzoyl peroxide or mixture of benzoyl peroxide with potassium alum, calcium sulfate, and magnesium carbonate, but the weight of the benzoyl peroxide is not more than 0.002 percent of the weight of the milk being bleached, and the weight of the potassium alum, calcium sulfate, and magnesium carbonate, singly or combined, is not more than six times the weight of the benzoyl peroxide used. If milk is bleached in this manner, vitamin A is added to the curd in such quantity as to compensate for the vitamin A or its precursors destroyed in the bleaching process, and artificial coloring is not used.

(3) Such milk may be adjusted by separating part of the fat therefrom or by adding one or more of the following: (In the case of cow's milk) cream, cream which has been treated in the manner provided in subparagraph (2) of this paragraph, concentrated skim milk, non-

fat dry milk; (in the case of goat's milk) the corresponding products obtained from goat's milk; water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.569 Nuworld cheese; identity.

(a) Nuworld cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of creamy-white mold throughout the cheese. It contains not more than 46 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). It is not less than 60 days old.

(b) Milk, which may be pasteurized or clarified or both, which may be warmed, and which may be homogenized, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial green or blue coloring, in a quantity which neutralizes any natural yellow coloring in the curd, may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage. While being placed in forms, spores of a white mutant of the mold *Penicillium roquefortii* are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the form and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., at 90 percent to 95 percent relative humidity, until the characteristic mold growth has developed. During storage, the surface of the cheese may be scraped to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of nuworld cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.570 Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk; identity.

(a) Roquefort cheese, sheep's milk blue-mold cheese, blue-mold cheese from sheep's milk, is the food prepared from

sheep's milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by the presence of bluish-green mold throughout the cheese. It contains not more than 45 percent moisture, and its solids contain not less than 50 percent milk fat, as determined by the methods prescribed in § 19.500 (c). It is not less than 60 days old.

(b) Milk, which may be pasteurized, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet is added to set the milk to a semisolid mass. The mass is cut into smaller portions and allowed to stand for a time. The mixed curd and whey is placed in forms permitting further drainage of whey. Spores of the mold *Penicillium roquefortii* are added. The forms are turned several times during drainage. When sufficiently drained, the shaped curd is removed from the forms and salted with dry salt or brine. Perforations are then made in the shaped curd, and it is held at a temperature of approximately 50° F., with relative humidity of 90 to 95 percent, until the characteristic mold growth has developed. During storage the surface of the cheese is scraped, if necessary, to remove surface growth of undesirable microorganisms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of roquefort cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means sheep's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto sheep's milk cream or skimmed sheep's milk.

§ 19.575 Limburger cheese; identity.

(a) Limburger cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, limburger cheese is held at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, is brought to a temperature of about 92° F. and subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chlo-

ride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into cubes with sides approximately ½-inch long. After a few minutes the mass is stirred and heated, gradually raising the temperature to 96° F. to 98° F. The curd is then allowed to settle, most of the whey is drained off, and the remaining curd and whey dipped into molds. During drainage the curd may be pressed. It is turned at regular intervals. After drainage the curd is cut into pieces of desired size and dry-salted at intervals for 24 to 48 hours. The cheese is then cured with frequent applications of a weak brine solution to the surface, until the proper growth of surface-curing organisms is obtained. It is then wrapped and held in storage for development of as much additional flavor as is desired. When made from pasteurized milk, the milk is brought to a temperature of 89° F. to 90° F. after pasteurization. A culture of harmless lactic-acid-producing bacteria is added. Calcium chloride may be added, as to raw milk. The procedure then is the same as with raw milk, except that heating is to 94° F. After most of the whey is drained off, salt brine at a temperature of 66° F. to 70° F. is added, so that the pH of the curd is about 4.8. The mixed curd, whey, and brine is dipped into molds and the same procedure followed as when raw milk is used. Whether pasteurized or unpasteurized milk is used, a harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of limburger cheese, may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

§ 19.580 Monterey cheese, monterey jack cheese; identity; label statement of optional ingredients.

(a) Monterey cheese, monterey jack cheese is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 44 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) Milk, which is pasteurized, and which may be clarified, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. Part of the whey is drained off, and water or salt brine may be added. The curd is drained and placed in a muslin or sheeting cloth, formed into a ball, and pressed; or the curd is placed in a cheese hoop and pressed. Later, the cloth bandage is removed, and the cheese may be covered with paraffin or dipped in vegetable oil, and may have rice flour sprinkled on the surface. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of monterey cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Monterey cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500 (f).

(d) Monterey cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If monterey cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.585 High-moisture jack cheese; identity; label statement of optional ingredients.

High-moisture jack cheese conforms to the definition and standard of identity, and is subject to the requirement for label statement of optional ingredients, prescribed for monterey cheese by § 19.580, except that its moisture con-

tent is not less than 44 percent, but less than 50 percent.

§ 19.590 Provolone cheese, pasta filata cheese; identity; label statement of optional ingredients.

(a) Provolone cheese, pasta filata cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and may be made in several shapes. It contains not more than 45 percent of moisture, and its solids contain not less than 45 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is held at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is matted and cut, immersed in hot water, and kneaded and stretched until it is smooth and free from lumps. Then it is cut and molded. During the molding the curd is kept sufficiently warm to cause proper sealing of the surface. The molded curd is then firmed by immersion in cold water, salted in brine, and dried. Some shapes may be encased in rope, or twine before drying. Provolone cheese may be smoked. It is given some additional curing and covered with paraffin or similar wax. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of provolone cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

Provolone cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms when tested by the method prescribed in § 19.500(f).

(d) Provolone cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) The name "Provolone cheese" ("Pasta filata cheese") may include the common name of the shape of the cheese, such as "Salami provolone." If provolone cheese is not smoked, the name includes the words "Not smoked."

(2) If provolone cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.591 Caciocavallo siciliano cheese; identity; label statement of optional ingredients.

(a) Caciocavallo siciliano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It has a stringy texture, and is made in oblong shapes. It contains not more than 40 percent of moisture, and its solids contain not less than 42 percent milk fat, as determined by the methods prescribed in § 19.500(c). It is cured for not less than 90 days at a temperature of not less than 35° F.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated so as to promote and regulate the separation of whey from the curd. The whey is drained off, and the curd is removed to another vat containing hot whey, in which it is soaked for several hours. This whey is withdrawn, the curd is allowed to mat, and is cut into blocks. These are washed in hot whey until the desired elasticity is obtained. The curd is removed from the vat, drained, pressed into oblong forms, dried, and salted in brine, and cured. It may be paraffined.

A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of caciocavallo siciliano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) Caciocavallo siciliano cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) When caciocavallo siciliano cheese is made solely from cow's milk, the name of such cheese is "Caciocavallo siciliano cheese." When made from sheep's milk or goat's milk or mixtures of these, or one or both of these with cow's milk, the name is followed by the words "made from -----," the blank being filled in with the name or names of the milks used, in order of predominance by weight.

(2) If caciocavallo siciliano cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.595 Parmesan cheese, reggiano cheese; identity.

(a) Parmesan cheese, reggiano cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It is characterized by a granular texture and a hard and brittle rind. It grates readily. It contains not more than 32 percent of moisture, and its solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500(c). It is cured for not less than 14 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as

anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into pieces no larger than wheat kernels, heated, and stirred until the temperature reaches between 115° F. and 125° F. The curd is allowed to settle and is then removed from the kettle or vat, drained for a short time, placed in hoops, and pressed. The pressed curd is removed and salted in brine, or dry-salted. The cheese is cured in a cool, ventilated room. The rind of the cheese may be coated or colored. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of parmesan cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

§ 19.610 Romano cheese; identity.

(a) Romano cheese is the food prepared from cow's milk or sheep's milk or goat's milk or mixtures of two or all of these and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It grates readily, and has a granular texture and a hard and brittle rind. It contains not more than 34 percent of moisture, and its solids contain not less than 38 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 5 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into particles no larger than corn kernels, stirred, and heated to a temperature of about 120° F. The curd is allowed to settle to the bottom of the kettle or vat, and is then removed and drained for a short time, packed in forms or hoops, and pressed. The pressed curd is salted by immersing in brine for about 24 hours and is then removed from the brine and the surface allowed to dry. It is then alternately rubbed with salt and washed at intervals. It may be perforated with needles. It is finally dry-

cured. During curing it is turned and scraped. The surface may be rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of romano cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(d) When romano cheese is made solely from cow's milk the name of such cheese is "Romano cheese made from cow's milk" and may be preceded by the word "Vaccino" (or "Vaccino"); when made solely from sheep's milk, the name is "Romano cheese made from sheep's milk," and may be preceded by the word "Pecorina"; when made solely from goat's milk, the name is "Romano cheese made from goat's milk," and may be preceded by the word "Caprino"; and when a mixture of two or all of the milks specified in this section is used, the name of the cheese is "Romano cheese made from _____," the blank being filled in with the names of the milks used, in order of predominance by weight.

§ 19.615 Asiago fresh cheese, asiago soft cheese; identity; label statement of optional ingredients.

(a) Asiago fresh cheese, asiago soft cheese, is the food prepared from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 45 percent of moisture, and its solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). It is cured for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid producing bacteria, present in such milk or added thereto. Harmless artificial blue or green coloring in a quantity which neutralizes any natural yellow coloring in the curd may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut, stirred, and heated to promote and regulate separation of the whey from the curd. The whey is

drained off. When the curd is sufficiently firm, it is removed from the kettle or vat, further drained for a short time, packed into hoops, and pressed. The pressed curd is salted in brine and cured in a well-ventilated room. During curing the surface of the cheese is occasionally rubbed with a vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of asiago fresh cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk, which may be adjusted by separating part of the fat therefrom or by adding thereto one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk, water in a quantity sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) Asiago fresh cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) (1) If asiago fresh cheese is sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(2) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the statement specified in this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.620 Asiago medium cheese; identity.

Asiago medium cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 35 percent moisture, its solids contain not less than 45 percent of milk fat, it is cured for not less than 6 months, and the provisions of paragraph (d) of that section do not apply.

§ 19.625 Asiago old cheese; identity.

Asiago old cheese conforms to the definition and standard of identity prescribed by § 19.615 for asiago fresh cheese, except that it contains not more than 32 percent moisture, its solids contain not less than 42 percent of milk fat, it is cured for not less than 1 year, and the provisions of paragraph (d) of that section do not apply.

§ 19.635 Cook cheese, koch kaese; identity.

(a) Cook cheese, koch kaese, is the food prepared from skim milk and other ingredients specified in this section by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 80 percent moisture as determined by the method

therefor prescribed in § 19.500 (c). When tested for phosphatase by the method prescribed in § 19.500(f), 0.25 gm. of cook cheese shows a phenol equivalent of not more than 3 micrograms.

(b) Skim milk, or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such dairy ingredients or added thereto. A culture of a harmless white mold may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of milk) may be added to aid in setting the mix to a semisolid mass. The mass is cut, stirred, and heated, with continued stirring, so as to separate the curd and whey. The whey is drained from the curd, and the curd is cured for 2 or 3 days. It is then heated to a temperature of not less than 180° F. until the hot curd will drop from a ladle with a consistency like that of honey. The hot cheese is filled into packages and cooled. Pasteurized cream, salt, or caraway seed, or any mixture of two or more of these may be added.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.637 Sap sago cheese; identity.

(a) Sap sago cheese is the food prepared from the skim milk of cows and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It has a pale-green color, and is made in the shape of a truncated cone. It contains not more than 38 percent of moisture, as determined by the method prescribed in § 19.500(c).

(b) Skim milk is allowed to become sour, and is heated to boiling temperature, with stirring. Cold buttermilk may be added. Sufficient sour whey is added to precipitate the casein. The curd is removed, spread out in boxes, and pressed, and while under pressure is allowed to drain and ferment. It is ripened for not less than 5 weeks. The ripened curd is dried and ground, salt and dried clover of the species *Melilotus coerulea* are added. The mixture is shaped into truncated cones. It is then cured for not less than 5 months.

§ 19.639 Gammelost cheese; identity.

(a) Gammelost cheese is the food prepared from the skim milk of cows and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. It contains not more than 52 percent of moisture, as determined by the method prescribed in § 19.500 (c).

(b) Skim milk, which may be pasteurized, is subjected to the action of

harmless lactic-acid-producing bacteria, present in such skim milk or added thereto. The development of acidity is continued until the skim milk coagulates to a semisolid mass. The mass is stirred and heated until a temperature of about 145° F. is reached, and is held at that temperature for not less than ½ hour. The whey is drained off and the curd removed and placed in forms and pressed. The shaped curd is placed in whey and heated for 3 or 4 hours. It is then removed from the whey and may again be pressed. It is then stored under conditions suitable for curing.

§ 19.650 Hard cheeses; identity.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are hard cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 39 percent of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, with or without other harmless flavor-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, and shaped into forms, and may be pressed. The curd is salted at some stage of the manufacturing process. The shaped curd may be cured. The rind may be coated with paraffin or rubbed with vegetable oil. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the correspond-

ing products from sheep's milk; water in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A hard cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500(f).

(d) The name of each hard cheese for which a definition and standard of identity is prescribed by this section is "Hard cheese," preceded or followed by:

(1) The specific common or usual name of such hard cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from -----" the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.655 Semisoft cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are semisoft cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain more than 39 percent, but not more than 50 percent, of moisture, and their solids contain not less than 50 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to

promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft cheese may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom, or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500(f).

(d) Semisoft cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) The name of each semisoft cheese for which a definition and standard of identity is prescribed by this section is "Semisoft cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(f) (1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If a semisoft cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.660 Semisoft part-skim cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are pre-

scribed by this section are semisoft part-skim cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from partly skimmed milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 50 percent of moisture, and their solids contain not less than 45 percent, but less than 50 percent, of milk fat, as determined by the methods set forth in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F., for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride, in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be placed in forms, and it may be pressed. Harmless flavor-producing microorganisms may be added. It may be cured in a manner to promote the growth of biological curing agents. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of semisoft part-skim cheese may be added in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. A semisoft part-skim cheese shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 5 micrograms when tested by the method prescribed in § 19.500(f).

(d) Semisoft part-skim cheeses in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid.

(e) The name of each semisoft part-skim cheese for which a definition and standard of identity is prescribed by this section is "Semisoft part-skim cheese," preceded or followed by:

(1) The specific common or usual name of such semisoft cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(f) (1) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

(2) If a semisoft part-skim cheese in sliced or cut form contains sorbic acid, the label shall bear the statement "Sorbic acid added to retard mold growth" or "Sorbic acid added as a preservative."

(3) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements prescribed by this section, showing the optional ingredient used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.665 Soft ripened cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are soft ripened cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat, as determined by the method prescribed therefor in § 19.500(c). If the milk used is not pasteurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. After coagulation the mass is so treated as to promote and regulate the separation of whey and curd. Such treatment may include one or more of the following: Cutting, stirring, heating, dilution with water or brine. The whey, or part of it, is drained off, and the curd is collected and shaped. It may be

placed in forms, and may be pressed. Harmless flavor-producing microorganisms may be added. It is cured under conditions suitable for development of biological curing agents on the surface of the cheese, and the curing is conducted so that the cheese cures from the surface toward the center. Salt may be added during the procedure. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of soft ripened cheeses may be added, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water, in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction.

(d) The name of each soft ripened cheese for which a definition and standard of identity is prescribed by this section is "Soft ripened cheese," preceded or followed by:

(1) The specific common or usual name of such soft ripened cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.670 Spiced cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are spiced cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. Their solids contain not less than 50 percent of milk fat as determined by the method therefor prescribed in § 19.500 (c). They contain one or a mixture of two or more spices, except any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety, in an amount not less than 0.015 ounce per pound of cheese, and may contain spice oils. If the milk used is not pas-

teurized, the cheese so made is cured at a temperature of not less than 35° F. for not less than 60 days.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet, rennet paste, or extract of rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is divided into smaller portions, and so handled by stirring, heating, and diluting with water or salt brine as to promote and regulate the separation of whey and curd. The whey is drained off. The curd is removed, and may be further drained. The curd is then shaped into forms, and may be pressed. At some time during the procedure, spices are added so as to be evenly distributed through the finished cheese. Spice oils may be added. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of spiced cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used. Harmless flavor-producing microorganisms may be added, and curing may be conducted under suitable conditions for the development of biological curing agents.

(c) For the purposes of this section:

(1) The word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity sufficient to reconstitute any such concentrated or dried products used.

(2) Milk shall be deemed to have been pasteurized if it has been held at a temperature of not less than 143° F. for a period of not less than 30 minutes, or for a time and at a temperature equivalent thereto in phosphatase destruction. Spiced cheeses shall be deemed not to have been made from pasteurized milk if 0.25 gm. shows a phenol equivalent of more than 3 micrograms, when tested by the method prescribed in § 19.500 (f).

(d) The name of each spiced cheese for which a definition and standard of identity is prescribed by this section is "Spiced cheese," preceded or followed by:

(1) The specific common or usual name of such spiced cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.675 Part-skim spiced cheeses; identity; label statement of optional ingredients.

Part-skim spiced cheeses conform to the definition and standard of identity, and are subject to the requirements for label statement of optional ingredients, prescribed for spiced cheeses by § 19.670, except that their solids contain less than 50 percent, but not less than 20 percent, of milk fat.

§ 19.680 Hard grating cheeses; identity; label statement of optional ingredients.

(a) The cheeses for which definitions and standards of identity are prescribed by this section are hard grating cheeses for which specifically applicable definitions and standards of identity are not prescribed by other sections of this part. They are made from milk and the other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section. They contain not more than 34 percent of moisture, and their solids contain not less than 32 percent of milk fat, as determined by the methods prescribed in § 19.500 (c). Hard grating cheeses are cured for not less than 6 months.

(b) Milk, which may be pasteurized or clarified or both, and which may be warmed, is subjected to the action of harmless lactic-acid-producing bacteria or other harmless flavor-producing bacteria, present in such milk or added thereto. Sufficient rennet, rennet paste, or extract of rennet paste (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. Harmless artificial coloring may be added. The mass is cut into small particles, stirred, and heated. The curd is separated from the whey, drained, shaped into forms, pressed, salted, and cured. The rind may be colored or rubbed with vegetable oil or both. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of hard grating cheese may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more than 0.1 percent of the weight of the milk used.

(c) For the purposes of this section, the word "milk" means cow's milk or goat's milk or sheep's milk or mixtures of two or all of these. Such milk may be adjusted by separating part of the fat therefrom or (in the case of cow's milk) by adding one or more of the following: Cream, skim milk, concentrated skim milk, nonfat dry milk; (in the case of goat's milk) the corresponding products from goat's milk; (in the case of sheep's milk) the corresponding products from sheep's milk; water in a quantity

sufficient to reconstitute any such concentrated or dried products used.

(d) The name of each hard grating cheese for which a definition and standard of identity is prescribed by this section is "Hard grating cheese," preceded or followed by:

(1) The specific common or usual name of such hard grating cheese, if any such name has become generally recognized therefor; or

(2) If no such specific common or usual name has become generally recognized therefor, an arbitrary or fanciful name which is not false or misleading in any particular.

(e) When milk other than cow's milk is used in whole or in part, the name of the cheese includes the statement "made from _____," the blank being filled in with the name or names of the milk used, in order of predominance by weight.

§ 19.685 Skim-milk cheese for manufacturing; identity.

(a) Skim-milk cheese for manufacturing is the food prepared from skim milk and other ingredients specified in this section, by the procedure set forth in paragraph (b) of this section, or by another procedure which produces a finished cheese having the same physical and chemical properties as the cheese produced when the procedure set forth in paragraph (b) of this section is used. It contains not more than 50 percent of moisture, as determined by the method therefor prescribed in § 19.500(c). It is coated with blue-colored paraffin or other tightly adhering coating, colored blue.

(b) Skim milk or the optional dairy ingredients specified in paragraph (c) of this section, which may be pasteurized, and which may be warmed, are subjected to the action of harmless lactic-acid-producing bacteria, present in such milk or added thereto. Harmless artificial coloring may be added. Sufficient rennet (with or without purified calcium chloride in a quantity not more than 0.02 percent, calculated as anhydrous calcium chloride, of the weight of the milk) is added to set the milk to a semisolid mass. The mass is so cut, stirred, and heated with continued stirring, as to promote and regulate the separation of whey and curd. The whey is drained off, and the curd is matted into a cohesive mass. Proteins from the whey may be incorporated. The mass is cut into slabs which are so piled and handled as to promote the drainage of whey and the development of acidity. The slabs are then cut into pieces, which may be rinsed by pouring or sprinkling water over them, with free and continuous drainage; but the duration of such rinsing is so limited that only the whey on the surface of such pieces is removed. The curd is salted, stirred, further drained, and pressed into forms. A harmless preparation of enzymes of animal or plant origin capable of aiding in the curing or development of flavor of skim-milk cheese for manufacturing may be added during the procedure, in such quantity that the weight of the solids of such preparation is not more

than 0.1 percent of the weight of the milk used.

(c) The optional dairy ingredients referred to in paragraph (b) of this section are: Skim milk or concentrated skim milk or nonfat dry milk or a mixture of any two or more of these, with water in a quantity not in excess of that sufficient to reconstitute any concentrated skim milk or nonfat dry milk used.

(d) For the purposes of this section, "skim milk" means cow's milk from which the milk fat has been separated.

§ 19.750 Pasteurized process cheese; identity; label statement of optional ingredients.

(a) (1) Pasteurized process cheese is the food prepared by comminuting and mixing, with the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, with an emulsifying agent prescribed by paragraph (c) of this section, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (d) (1), (2), (3), (4), (5), (6), and (7) of this section may be used.

(2) During its preparation, pasteurized process cheese is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500(f), the phenol equivalent of 0.25 gm. of pasteurized process cheese is not more than 3 micrograms.

(3) (i) The moisture content of a pasteurized process cheese made from a single variety of cheese is not more than 1 percent greater than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used; but in no case is more than 43 percent, except that the moisture content of pasteurized process washed curd cheese or pasteurized process colby cheese is not more than 40 percent; the moisture content of pasteurized process swiss cheese or pasteurized process gruyere cheese is not more than 44 percent; and the moisture content of pasteurized process limburger cheese is not more than 51 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent; except that the fat content of the solids of pasteurized process swiss cheese is not less than 43 percent, and the fat content of the solids of pasteurized process gruyere cheese is not less than 45 percent.

(4) (i) The moisture content of a pasteurized process cheese made from two or more varieties of cheese is not more than 1 percent greater than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese

used; but in no case is the moisture content more than 43 percent, except that the moisture content of a pasteurized process cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese is not more than 40 percent, and the moisture content of a mixture of swiss cheese and gruyere cheese is not more than 44 percent.

(ii) The fat content of the solids of a pasteurized process cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum fat contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a pasteurized process gruyere cheese made from a mixture of swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a pasteurized process cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (e) (2) (ii) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The emulsifying agent referred to in paragraph (a) of this section is one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium

tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agents is not more than 3 percent of the weight of the pasteurized process cheese.

(d) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese is not below 5.3.

(2) Cream, in such quantity that the weight of the fat derived therefrom is less than 5 percent of the weight of the pasteurized process cheese.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(7) Pasteurized process cheese in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(e) The name of a pasteurized process cheese for which a definition and standard of identity is prescribed by this section is as follows:

(1) In case it is made from a single variety of cheese, its name is "Pasteurized process _____ cheese," the blank being filled in with the name of the variety of cheese used.

(2) In case it is made from two or more varieties of cheese, its name is "Pasteurized process _____ and _____ cheese," or "Pasteurized process _____ blended with _____ cheese," or "Pasteurized process blend of _____ and _____ cheese," the blanks being filled in with the names of the varieties of cheeses used, in order of predominance by weight; except that:

(i) In case it is made from gruyere cheese and swiss cheese, and the weight of gruyere cheese is not less than 25 percent of the weight of both, it may be designated "Pasteurized process gruyere cheese"; and

(ii) In case it is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Pasteurized process American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(f) (1) If the pasteurized process cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the term "with added _____," the blank

being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the term "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice.

(4) If it contains added flavoring, the label shall bear the term "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the term "flavored with _____."

(5) If pasteurized process cheese in sliced or cut form contains added sorbic acid, sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, the label shall bear the statement "_____ added to retard mold growth" or "_____ added as a preservative," the blank being filled in with the name or names of the substance or substances used.

(6) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.751 Pasteurized blended cheese; identity; label statement of optional ingredients.

Pasteurized blended cheese conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(a) In mixtures of two or more cheeses, cream cheese or neufchatel cheese may be used.

(b) None of the ingredients prescribed or permitted for pasteurized process cheese by § 19.750 (c) and (d) (1) is used.

(c) In case of mixtures of two or more cheeses containing cream cheese or neufchatel cheese, the moisture content is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity for the varieties of cheeses blended, for which such limits have been prescribed.

(d) The word "process" is replaced by the word "blended" in the name prescribed by § 19.750 (e).

§ 19.755 Pasteurized process cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Unless a definition and standard of identity specifically applicable is established by another section of this part, a pasteurized process cheese with fruits, vegetables, or meats or mixture of these is a food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese by § 19.750, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.750 for moisture and fat in the corresponding pasteurized process cheese.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese with fruits, vegetables, or meats is the name prescribed by § 19.750 for the applicable pasteurized process cheese, followed by the term "with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.760 Pasteurized process pimento cheese; identity; label statement of optional ingredients.

Pasteurized process pimento cheese is the food which conforms to the definition and standard of identity for pasteurized process cheese with fruits, vegetables, or meats, and is subject to the requirement for label statement of optional ingredients, except that:

(a) Its moisture content is not more than 41 percent, and the fat content of its solids is not less than 49 percent.

(b) The cheese ingredient is cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these in any proportion.

(c) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, and granular cheese for manufacturing shall be considered as cheddar cheese, washed curd cheese, colby cheese, and granular cheese, respectively.

(d) The only fruit, vegetable, or meat ingredient is pimentos in such quantity that the weight of the solids thereof is not less than 0.2 percent of the weight of the finished pasteurized process pimento cheese.

(e) The optional ingredients designated in § 19.750 (b) and (d) (6) are not used.

§ 19.763 Pasteurized blended cheese with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized blended cheese with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized blended cheese by § 19.751, except that:

(1) Its moisture content may be 1 percent more, and the milk fat content of its solids may be 1 percent less, than the limits prescribed by § 19.751 for moisture and milk fat in the corresponding pasteurized blended cheese.

(2) It contains one or any mixture of two or more of the following: Any prop-

erly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized blended cheese with fruits, vegetables, or meats is the name prescribed by § 19.751 for the applicable pasteurized blended cheese, followed by the term "with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.765 Pasteurized process cheese food; identity; label statement of optional ingredients.

(a) (1) A pasteurized process cheese food is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) During its preparation, a pasteurized process cheese food is heated for not less than 30 seconds, at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500 (f), the phenol equivalent of 0.25 gm. of pasteurized process cheese food is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished pasteurized process cheese food.

(6) The weight of each variety of cheese in a pasteurized process cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of

cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing, and except that hard grating cheese, semisoft part skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey and skim-milk cheese for manufacturing.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An emulsifying agent consisting of one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the pasteurized process cheese food is not below 5.0.

(3) Water.

(4) Salt.

(5) Harmless artificial coloring.

(6) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(7) A pasteurized process cheese food in the form of slices or cuts in consumer-sized packages may contain not more than 0.2 percent by weight of sorbic acid or not more than 0.3 percent by weight of sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate.

(f) The label of a pasteurized process cheese food shall bear the common or

usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3), and (4) of this section, and:

(1) If the pasteurized process cheese food is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If a pasteurized process cheese food in sliced or cut form contains sorbic acid or sodium propionate, calcium propionate, or a combination of sodium propionate and calcium propionate, the label shall bear the statement "----- added to retard mold growth" or "----- added as a preservative," the blank being filled in with the name or names of the substance or substances used.

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.770 Pasteurized process cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized process cheese food with fruits, vegetables, or meats, or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese food by § 19.765, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked,

canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese food with fruits, vegetables, or meats is "Pasteurized process cheese food with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

(c) If the only vegetable ingredient is pimento, and no meat or fruit ingredient is used, the weight of the solids of such pimentos is not less than 0.2 percent of the weight of the finished food. The name of this food is "Pimento pasteurized process cheese food" or "Pasteurized process pimento cheese food."

§ 19.775 Pasteurized process cheese spread; identity; label statement of optional ingredients.

(a) (1) Pasteurized process cheese spread is the food prepared by comminuting and mixing, with the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section, with or without one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, with one or more of the emulsifying agents prescribed in paragraph (e) of this section, and with or without one or more of the optional ingredients prescribed by paragraph (f) of this section, into a homogeneous plastic mass, which is spreadable at 70° F.

(2) During its preparation, a pasteurized process cheese spread is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500(f) the phenol equivalent of 0.25 gm. of pasteurized process cheese spread is not more than 3 micrograms.

(3) The moisture content of a pasteurized process cheese spread is more than 44 percent but not more than 60 percent, and the milk fat content is not less than 20 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours under the conditions prescribed in such method, is taken as the weight of the moisture.

(5) The weight of the cheese ingredient referred to in subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the pasteurized process cheese spread.

(6) The weight of each variety of cheese in a pasteurized process cheese spread made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in a pasteurized process cheese spread made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld

cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (g) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(7) For the purposes of this section, cheddar cheese for manufacturing, washed curd cheese for manufacturing, colby cheese for manufacturing, granular cheese for manufacturing, brick cheese for manufacturing, and swiss cheese for manufacturing are considered as cheddar cheese, washed curd cheese, colby cheese, granular cheese, brick cheese, and swiss cheese, respectively.

(b) Pasteurized process cheese spread may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are one or more cheeses of the same or two or more varieties, except that skim-milk cheese for manufacturing may not be used, and except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, hard grating cheese, semisoft part-skim cheese, and part-skim spiced cheese are not used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are cream, milk, skim milk, cheese whey, or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey, and skim-milk cheese for manufacturing.

(e) The emulsifying agents prescribed in paragraph (a) of this section are one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent of the weight of the pasteurized process cheese spread.

(f) The other optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Carob bean gum, gum karaya, gum tragacanth, guar gum, gelatin, carboxy-methylcellulose, carrageen, oatgum, algin (sodium alginate), and algin derivative (propylene glycol ester of alginic acid). The total weight of such substances is not more than 0.8 percent of the weight of the finished food.

(2) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of

the pasteurized process cheese spread is not below 4.0.

(3) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(4) Water.

(5) Salt.

(6) Harmless artificial coloring.

(7) Spices or flavorings other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(g) The label of a pasteurized process cheese spread shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), (e), and (f) (1), (2), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum may be designated as "vegetable gum," and:

(1) If the pasteurized process cheese spread is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the pasteurized process cheese spread or name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; and if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains added artificial coloring, the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(h) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and state-

ments herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.776 Pasteurized cheese spread; identity; label statement of optional ingredients.

Pasteurized cheese spread is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that no emulsifying agent as prescribed by § 19.775(e) is used.

§ 19.780 Pasteurized process cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized process cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized process cheese spread by § 19.775, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized process cheese spread with _____, the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.781 Pasteurized cheese spread with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Pasteurized cheese spread with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for pasteurized cheese spread by § 19.776, except that:

(1) It contains one or any mixture of two or more of the following: Any properly prepared cooked, canned, or dried fruit; any properly prepared cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(2) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a pasteurized cheese spread with fruits, vegetables, or meats is "Pasteurized cheese spread with _____," the blank being filled in with the name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.782 Cream cheese with other foods; identity; label statement of optional ingredients.

(a) Cream cheese with other foods is the class of foods each of which is prepared by mixing, with or without the aid of heat, cream cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with cream cheese. The amount of the added food or foods must be sufficient to so differentiate the mixture that it does not simulate cream cheese. The mixture may also contain:

(1) One or any mixture of two or more of the following optional ingredients: Gum karaya, gum tragacanth, carob bean gum, gelatin, guar gum, carboxymethylcellulose, carrageen, oat gum, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid). The total quantity of any such substances, including that contained in the cream cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(b) No water other than that contained in the added food ingredients is used, but the moisture content of the mixture in no case is more than 60 percent. The milk fat is not less than 33 percent of the percent by weight of the cream cheese used, but in no case is it less than 27 percent of the finished food. Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that when the added food contains fat the method prescribed for the determination of fat is not applicable.

(c) The name of the food is "Cream cheese with _____" or "cream cheese and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the name of the optional water-retaining ingredients used, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum, or mixture of these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the cream cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the food so colored.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.783 Pasteurized neufchatel cheese spread with other foods; identity; label statement of optional ingredients.

(a) (1) Pasteurized neufchatel cheese spread with other foods is the class of foods each of which is prepared by mixing, with the aid of heat, neufchatel cheese with one or a mixture of two or more properly prepared foods (except other cheeses), such as fresh, cooked, canned, or dried fruits or vegetables; cooked or canned meats; relishes, pickles, or other foods suitable for blending with neufchatel cheese. It may contain one or any mixture of two or more of the optional ingredients named in paragraph (b) of this section. The amount of the added food or foods must be sufficient to so differentiate the blend that it does not simulate neufchatel cheese. It is spreadable at 70° F.

(2) During its preparation the mixture is heated for not less than 30 seconds at a temperature of not less than 150° F. When tested for phosphatase by the method prescribed in § 19.500(f), the phenol equivalent of 0.25 gram of such food is not more than 3 micrograms.

(3) (i) No water other than that contained in the ingredients used is added to this food, but the moisture content in no case is more than 65 percent.

(ii) The milk fat is not less than 20 percent by weight of the finished food.

(b) The optional ingredients referred to in paragraph (a) of this section are:

(1) One or any mixture of two or more of the following: Gum karaya, gum tragacanth, carob bean gum, gelatin, algin (sodium alginate), algin derivative (propylene glycol ester of alginic acid), guar gum, carboxymethylcellulose, carrageen, oat gum. The total quantity of any such substances, including that contained in the neufchatel cheese, is not more than 0.8 percent by weight of the finished food.

(2) Artificial coloring, unless such addition conceals damage or inferiority or makes the finished food appear better or of greater value than it is.

(3) An acidifying agent consisting of one or a mixture of two or more of the following: A vinegar, acetic acid, lactic acid, citric acid, phosphoric acid.

(4) A sweetening agent consisting of one or a mixture of two or more of the following: Sugar, dextrose, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, hydrolyzed lactose.

(5) Cream, milk, skim milk, cheese whey or any mixture of two or more of these, or any of the foregoing from which part of the water has been removed, and albumin from cheese whey.

(c) The name of the food is "Pasteurized neufchatel cheese spread with _____" or "Pasteurized neufchatel cheese spread and _____," the blank being filled with the common names of the foods added, in order of predominance by weight.

(d) The label shall bear the names of any of the optional ingredients used designated in paragraph (b) (1), (3), (4), and (5) of this section, except that carob bean gum, gum karaya, gum tragacanth, guar gum, and oat gum or mixtures of

these may be named as "vegetable gum" or "vegetable gums," as the case may be.

(e) (1) If artificial coloring is used, the label shall bear the statement "artificially colored," except that if the food added to the neufchatel cheese is the only portion artificially colored, the label shall bear the statement "_____ artificially colored," the blank being filled in with the name or names of the foods so colored.

(2) If an optional acidifying agent is used so that the pH of the finished food is less than 4.2, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added, it shall be considered to be acetic acid when the pH of the finished food is less than 4.2. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 4.2, only the name or names of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.785 Cold-pack cheese, club cheese, comminuted cheese; identity; label statement of optional ingredients.

(a) (1) Cold-pack cheese, club cheese, comminuted cheese, is the food prepared by comminuting, without the aid of heat, one or more cheeses of the same or two or more varieties, except cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, hard grating cheese, semisoft part-skim cheese, part-skim spiced cheese, and skim-milk cheese for manufacturing, into a homogeneous plastic mass. One or more of the optional ingredients designated in paragraph (c) of this section may be used.

(2) All cheeses used in a cold-pack cheese are made from pasteurized milk or are held for not less than 60 days at a temperature of not less than 35° F. before being comminuted.

(3) (i) The moisture content of a cold-pack cheese made from a single variety of cheese is not more than the maximum moisture content prescribed by the definition and standard of identity, if any there be, for the variety of cheese used. If there is no applicable definition and standard of identity, or if such standard contains no provision as to maximum moisture content, no water is used in the preparation of the cold-pack cheese.

(ii) The fat content of the solids of a cold-pack cheese made from a single variety of cheese is not less than the minimum prescribed by the definition and standard of identity, if any there be, for the variety of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of cold-pack swiss cheese is not less than 43 percent, and the fat content of the solids of cold-pack gruyere cheese is not less than 45 percent.

(4) (1) The moisture content of a cold-pack cheese made from two or more

varieties of cheese is not more than the arithmetical average of the maximum moisture contents prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is the moisture content more than 42 percent, except that the moisture content of a cold-pack cheese made from two or more of the varieties cheddar cheese, washed curd cheese, colby cheese, and granular cheese is not more than 39 percent.

(ii) The fat content of the solids of a cold-pack cheese made from two or more varieties of cheese is not less than the arithmetical average of the minimum percent of fat prescribed by the definitions and standards of identity, if any there be, for the varieties of cheese used, but in no case is less than 47 percent, except that the fat content of the solids of a cold-pack cheese made from swiss cheese and gruyere cheese is not less than 45 percent.

(5) Moisture and fat are determined by the methods prescribed in § 19.500 (c).

(6) The weight of each variety of cheese in a cold-pack cheese made from two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 10 percent of the total weight of both, and the weight of limburger cheese is not less than 5 percent of the total weight of both. The weight of each variety of cheese in a cold-pack cheese made from three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, or gorgonzola cheese is not less than 5 percent of the total weight of all, and the weight of limburger cheese is not less than 3 percent of the total weight of all. These limits do not apply to the quality of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (d) (2) of this section. Such mixtures are considered as one variety of cheese for the purpose of this subparagraph.

(b) Cold-pack cheese may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid, in such quantity that the pH of the finished cold-pack cheese is not below 4.5. For the purposes of this section vinegar is considered to be acetic acid.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of a cheese of any age or variety.

(d) (1) The name of a cold-pack cheese for which a definition and standard of identity is prescribed by this sec-

tion is "Cold-pack _____ cheese" or "_____ club cheese" or "Comminuted _____ cheese," the blanks being filled in with the name or names of the varieties of cheese used, in order of predominance by weight.

(2) If the cold-pack cheese is made of cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, it may be designated "Cold-pack American cheese"; or when cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these is combined with other varieties of cheese in the cheese ingredient any of such cheeses or such mixture may be designated as "American cheese."

(e) (1) If cold-pack cheese is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____," the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced" or "spice added" or "with added spice," or in lieu of the word "spice" the common or usual name of the spice or spices used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added" or "with added flavoring" or "flavored with _____," the blank being filled in with the common or usual name of the flavoring used; if the flavoring is artificial, the word "artificial" shall precede the word "flavoring" or the word "artificially" shall precede the statement "flavored with _____."

(5) If it contains an added acidifying agent as prescribed in paragraph (c) (1) of this section, the label shall bear the statement "_____ added as a chemical preservative," the blank being filled in with the name or names of the acidifying agents used.

(f) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.787 Cold-pack cheese food; identity; label statement of optional ingredients.

(a) (1) Cold-pack cheese food is the food prepared by comminuting and mixing, without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (c) of this section with one or more of the optional dairy ingredients prescribed in paragraph (d) of this section, into a homogeneous plastic mass. One or more of the optional ingredients specified in paragraph (e) of this section may be used.

(2) All cheeses used in a cold-pack cheese food are made from pasteurized milk, or are held for not less than 60

days at a temperature of not less than 35° F. before being comminuted.

(3) The moisture content of a cold-pack cheese food is not more than 44 percent, and the fat content is not less than 23 percent.

(4) Moisture and fat are determined by the methods prescribed in § 19.500 (c), except that in determining moisture the loss in weight which occurs in drying for 5 hours, under the conditions prescribed in such method, is taken as the weight of moisture.

(5) The weight of the cheese ingredient prescribed by subparagraph (1) of this paragraph constitutes not less than 51 percent of the weight of the finished cold-pack cheese food.

(6) The weight of each variety of cheese in the cold-pack cheese food made with two varieties of cheese is not less than 25 percent of the total weight of both, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 10 percent of the total weight of both. The weight of each variety of cheese in the cold-pack cheese food made with three or more varieties of cheese is not less than 15 percent of the total weight of all, except that the weight of blue cheese, nuworld cheese, roquefort cheese, gorgonzola cheese, or limburger cheese is not less than 5 percent of the total weight of all. These limits do not apply to the quantity of cheddar cheese, washed curd cheese, colby cheese, and granular cheese in mixtures which are designated as "American cheese" as prescribed in paragraph (f) (6) of this section. Such mixtures are considered as one variety of cheese for the purposes of this subparagraph.

(b) Cold-pack cheese food may be smoked, or the cheese or cheeses from which it is made may be smoked, before comminuting and mixing, or it may contain substances prepared by condensing or precipitating wood smoke.

(c) The optional cheese ingredients referred to in paragraph (a) of this section are: One or more cheeses of the same or two or more varieties, except that cream cheese, neufchatel cheese, cottage cheese, creamed cottage cheese, cook cheese, and skim-milk cheese for manufacturing are not used, and except that semisoft part-skim cheese, part-skim spiced cheese, and hard grating cheese may not be used, alone or in combination with each other, as the cheese ingredient.

(d) The optional dairy ingredients referred to in paragraph (a) of this section are: Cream, milk, skim milk, cheese whey, or any mixture of two or more of these or any of the foregoing from which part of the water has been removed, skim-milk cheese for manufacturing, and albumin from cheese whey. All optional dairy ingredients used in cold-pack cheese food are pasteurized or made from products which have been pasteurized.

(e) The other optional ingredients referred to in paragraph (a) of this section are:

(1) An acidifying agent consisting of one or any mixture of two or more of the following: A vinegar, lactic acid, citric acid, acetic acid, and phosphoric acid,

in such quantity that the pH of the finished cold-pack cheese food is not below 4.5.

(2) Water.

(3) Salt.

(4) Harmless artificial coloring.

(5) Spices or flavorings, other than any which singly or in combination with other ingredients simulate the flavor of cheese of any age or variety.

(6) A sweetening agent consisting of one or any mixture of two or more of the following: Sugar, dextrose, corn sugar, corn sirup, corn sirup solids, glucose sirup, glucose sirup solids, maltose, malt sirup, and hydrolyzed lactose, in a quantity necessary for seasoning.

(f) The label of a cold-pack cheese food shall bear the common or usual names of the optional ingredients used, as specified in paragraphs (c), (d), and (e) (1), (2), (3), and (6) of this section, and:

(1) If it is smoked, or made from cheeses which have been smoked, the word "smoked" shall precede or follow the name of the cold-pack cheese food or the name of the cheese ingredient which was smoked.

(2) If it contains a substance prepared by condensing or precipitating wood smoke, the label shall bear the statement "with added _____" the blank being filled in with the common or usual name of such ingredient.

(3) If it contains spice, the label shall bear the statement "spiced," or "spice added," or "with added spice" or in lieu of the word "spice" the common or usual name of the spice used.

(4) If it contains added flavoring, the label shall bear the statement "flavoring added," "with added flavoring," or "flavored with _____" the blank being filled in with the common or usual name of the flavoring used. If the flavoring is artificial, the word "artificial" shall precede the word "flavoring," or the word "artificially" shall precede the word "flavored," or the word "artificially" shall precede the statement "flavored with _____"

(5) If it contains added artificial coloring the label shall bear the statement "artificially colored" or "contains artificial color."

(6) If the cheese ingredient contains cheddar cheese, washed curd cheese, colby cheese, or granular cheese or any mixture of two or more of these, such cheese or such mixture may be designated as "American cheese."

(7) If an optional acidifying agent is used so that the pH of the finished food is less than 5.0, there shall appear after its name the words "a chemical preservative." In case vinegar is the only acidifying agent added it shall be considered to be acetic acid when the pH of the finished food is less than 5.0. In case vinegar and other acidifying agents are used and the pH of the finished food is less than 5.0, the name of the acidifying agents other than vinegar shall be followed by the statement "a chemical preservative."

(g) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements herein specified, showing the op-

tional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

§ 19.788 Cold-pack cheese food with fruits, vegetables, or meats; identity; label statement of optional ingredients.

(a) Cold-pack cheese food with fruits, vegetables, or meats or mixtures of these is the food which conforms to the definition and standard of identity, and is subject to the requirements for label statement of optional ingredients, prescribed for cold-pack cheese food by § 19.787, except that:

(1) Its milk fat content is not less than 22 percent.

(2) It contains one or any mixture of two or more of the following: Any properly prepared fresh, cooked, canned, or dried vegetable; any properly prepared cooked or canned meat.

(3) When the added fruits, vegetables, or meats contain fat, the method prescribed for the determination of fat by § 19.500 (c) is not applicable.

(b) The name of a cold-pack cheese food with fruits, vegetables or meats is "Cold-pack cheese food with _____," the blank being filled in with the common or usual name or names of the fruits, vegetables, or meats used, in order of predominance by weight.

§ 19.790 Grated American cheese food; identity; label statement of optional ingredients.

(a) (1) Grated American cheese food is the food prepared by mixing, with or without the aid of heat, one or more of the optional cheese ingredients prescribed in paragraph (b) of this section, with one or more of the optional ingredients prescribed in paragraph (c) of this section, into a uniformly blended, partially dehydrated, powdered or granular mixture.

(2) The solids of grated American cheese food contain not less than 28 percent of milk fat, as determined by the methods prescribed in § 19.500 (c).

(b) The optional cheese ingredients referred to in paragraph (a) of this section are cheddar cheese, washed curd cheese, colby cheese, and granular cheese.

(c) The other optional ingredients referred to in paragraph (a) of this section are:

(1) Nonfat dry milk.

(2) An emulsifying agent consisting of one or any mixture of two or more of the following: Monosodium phosphate, disodium phosphate, dipotassium phosphate, trisodium phosphate, sodium metaphosphate (sodium hexametaphosphate), sodium acid pyrophosphate, tetrasodium pyrophosphate, sodium citrate, potassium citrate, calcium citrate, sodium tartrate, and sodium potassium tartrate, in such quantity that the weight of the solids of such emulsifying agent is not more than 3 percent by weight of the cheese ingredients of the grated American cheese food.

(3) Salt.

(4) Harmless artificial coloring.

(d) (1) The label of grated American cheese food shall bear the common or usual name of the optional ingredients

used as prescribed in paragraphs (b) and (c) (1), (2), and (3) of this section, except that the cheese ingredient may be designated as "American cheese."

(2) If artificial coloring is used, the label shall bear the statement "artificially colored" or "contains artificial color."

(e) Wherever the name of the food appears on the label so conspicuously as to be easily seen under customary conditions of purchase, the words and statements specified in this section, showing the optional ingredients used, shall immediately and conspicuously precede or follow such name, without intervening written, printed, or graphic matter.

Dated: August 5, 1959.

[SEAL] GEO. P. LARRICK,
Commissioner of Food and Drugs.

[F.R. Doc. 59-6643; Filed, Aug. 11, 1959;
8:48 a.m.]

Title 20—EMPLOYEES' BENEFITS

Chapter III—Bureau of Old-Age and Survivors Insurance, Social Security Administration, Department of Health, Education, and Welfare

[Regs. 4, further amended]

PART 404—FEDERAL OLD-AGE AND SURVIVORS INSURANCE (1950—)

Family Relationships

Regulations No. 4, as amended (20 CFR 404.1 et seq.), are further amended as follows:

1. Section 404.1101 is amended to read as follows:

§ 404.1101 Determination of relationship of applicant to individual.

Whether an applicant for benefits or a lump sum bears the legal relationship of wife, husband, widow, widower, child, or parent of the individual upon whose wages and self-employment income the application is based, or has the status of such relative of such individual for the purpose of sharing in the latter's intestate personal property, is determined by the following tests:

(a) If the application is for benefits for months before September 1957, or for a lump sum, such legal relationship or status is determined by "applicable State law." By this is meant the law the courts of the State of the domicile of such individual would apply in deciding who is a wife, husband, widow, widower, child, or parent of such individual, when determining the devolution of such individual's intestate personal property. The domicile of such individual, if deceased, is determined as of the date of his death. The domicile of such individual, if living, is determined as of the date the applicant files application for benefits. If such individual was not domiciled in any State at the appropriate date, "applicable State law" is the law the courts of the District of Columbia would apply when determining the devolution of such property.

(b) If the application is for benefits for months after August 1957:

(1) The legal relationship or status of child or parent is determined in accordance with paragraph (a) of this section.

(2) The applicant bears the legal relationship of wife, husband, widow, or widower of such individual if the courts of the State in which such individual is domiciled, as determined in accordance with paragraph (a) of this section (or, if not domiciled in any State at the appropriate date, the courts of the District of Columbia), would find that the applicant and such individual were validly married at the time of filing such application or, if such individual is dead, at the time he died. If such courts would not find the applicant and such individual validly married at such time, the applicant nevertheless is deemed to bear the legal relationship of wife, husband, widow, or widower, as the case may be, of such individual, if the applicant has the status of such relative as determined in accordance with paragraph (a) of this section.

2. Section 404.1102 is amended to read as follows:

§ 404.1102 Status under applicable State law.

An applicant who does not bear the legal relationship of wife, husband, widow, widower, child, or parent of the individual upon whose wages and self-employment income his or her application is based, but is treated under applicable State law as such, has the status of such relative.

3. Section 404.1103 is amended to read as follows:

§ 404.1103 Definition of wife.

The term "wife" means an applicant who bears the legal relationship of, or has the status of, wife of the individual upon whose wages and self-employment income her application is based, and either:

(a) Is the mother of such individual's son or daughter; or

(b) Was married to such individual for a period of not less than three years immediately preceding the day on which her application is filed; or

(c) In the month prior to the month of her marriage to such individual, either:

(1) Was entitled to widow's insurance benefits (see §§ 404.319 and 404.320 of this part) or parent's insurance benefits (see §§ 404.328 and 404.329 of this part) or on application therefor and attainment of retirement age in such prior month would have been entitled to such benefits, or

(2) Had attained age 18 and was entitled to child's insurance benefits (see §§ 404.312 and 404.313 of this part) or on application therefor would have been entitled to such benefits.

4. Section 404.1104 is amended to read as follows:

§ 404.1104 Definition of widow.

The term "widow" means an applicant who bears the legal relationship of, or has the status of, widow of the individual

upon whose wages and self-employment income her application is based and (except for the purpose of entitlement to lump-sum death payments) either:

(a) Is the mother of such individual's son or daughter; or

(b) Legally adopted such individual's son or daughter while she was married to such individual and such son or daughter was under age eighteen; or

(c) Was married to such individual when such individual legally adopted her son or daughter and such son or daughter was under age eighteen; or

(d) Was married to such individual at the time both of them legally adopted a child under age eighteen; or

(e) Was married to such individual for a period of not less than one year immediately prior to the day on which such individual died; or

(f) In the month prior to the month of her marriage to such individual either:

(1) Was entitled to widow's insurance benefits (see §§ 404.319 and 404.320) or parent's insurance benefits (see §§ 404.328 and 404.329) or on application therefor and attainment of retirement age in such prior month would have been entitled to such benefits, or

(2) Had attained age eighteen and was entitled to child's insurance benefits (see §§ 404.312 and 404.313) or on application therefor would have been entitled to such benefits.

5. Section 404.1105 is amended to read as follows:

§ 404.1105 Definition of former wife divorced.

The term "former wife divorced" means a woman applicant whose marriage to the individual upon whose wages and self-employment income her application is based has been absolutely and finally terminated by divorce and who either:

(a) Is the mother of such individual's son or daughter; or

(b) Legally adopted such individual's son or daughter while she was married to such individual and such son or daughter was under age eighteen; or

(c) Was married to such individual when such individual legally adopted her son or daughter and such son or daughter was under age eighteen; or

(d) Was married to such individual at the time both of them legally adopted a child under age eighteen.

6. Section 404.1106 is amended to read as follows:

§ 404.1106 Definition of husband.

The term "husband" means an applicant who bears the legal relationship of, or has the status of, husband of the individual upon whose wages and self-employment income his application is based and either:

(a) Is the father of such individual's son or daughter; or

(b) Was married to such individual for a period of not less than three years immediately preceding the day on which his application is filed; or

(c) In the month prior to the month of his marriage to such individual either:

(1) Was entitled to widower's insurance benefits (see §§ 404.322 and 404.323) or parent's insurance benefits (see §§ 404.328 and 404.329) or on application for such benefits and attainment of retirement age in such prior month would have been entitled to such benefits, or

(2) Had attained age eighteen and was entitled to child's insurance benefits (see §§ 404.312 and 404.313) or on application therefor, would have been entitled to such benefits.

7. Section 404.1107 is amended to read as follows:

§ 404.1107 Definition of widower.

The term "widower" means an applicant who bears the legal relationship of, or has the status of, widower of the individual upon whose wages and self-employment income his application is based and (except for the purpose of entitlement to lump-sum death payments) either:

- (a) Is the father of such individual's son or daughter; or
- (b) Legally adopted such individual's son or daughter while he was married to such individual and such son or daughter was under age eighteen; or
- (c) Was married to such individual when such individual legally adopted his son or daughter and such son or daughter was under age eighteen; or
- (d) Was married to such individual at the time both of them legally adopted a child under age eighteen; or
- (e) Was married to such individual for a period of not less than one year im-

mediately prior to the day on which such individual died; or

- (f) In the month prior to the month of his marriage to such individual either:
 - (1) Was entitled to widower's insurance benefits (see §§ 404.322 and 404.323) or parent's insurance benefits (see §§ 404.328 and 404.329) or on application for such benefits and attainment of retirement age in such prior month would have been entitled to such benefits, or
 - (2) Had attained age eighteen and was entitled to child's insurance benefits (see §§ 404.312 and 404.313) or on application therefor would have been entitled to such benefits.

8. Section 404.1109 is amended to read as follows:

§ 404.1109 Definition of child.

The term "child" means an applicant who:

- (a) Is the legally adopted child of the individual upon whose wages and self-employment income his application is based. For purposes of this paragraph a child shall be deemed to be the legally adopted child of such individual as of the date of such individual's death if such child was living in such individual's household at the time of such death and was legally adopted by such individual's surviving spouse after such death, but before the end of two years after the date of such death or before August 28, 1960, whichever is later. However, a child thus adopted after such individual's death shall not be deemed the legally adopted child of such individual if at the time of such individual's death

such child was receiving regular contributions toward his support from someone other than such individual or his spouse, or from any public or private welfare organization which furnishes services or assistance for children; or

- (b) Is the stepchild of such individual by reason of a valid marriage of his parent (as defined in § 404.1110(c)) or adopting parent with such individual and has been such:

- (1) In the case of such a living individual, for a period of not less than three years prior to the date of filing application for child's benefits,
- (2) In the case of such a deceased individual, for a period of not less than one year prior to the date of such individual's death; or
- (c) Is neither the stepchild nor legally adopted child of such individual, but has the status of a child of such individual under applicable State law.

(Sec. 205(a), 53 Stat. 1368 as amended, sec. 1102, 49 Stat. 647 as amended; 42 U.S.C. 405(a), 1302; sec. 5 of Reorg. Plan No. 1 of 1953, 67 Stat. 18. Interprets sec. 216(h) as amended, 71 Stat. 519, 520, 72 Stat. 1030 ff; 42 U.S.C. 416(h).)

[SEAL] W. L. MITCHELL,
Commissioner of Social Security.

JULY 28, 1959.

Approved: August 6, 1959.

ARTHUR S. FLEMMING,
*Secretary of Health, Education,
and Welfare.*

[F.R. Doc. 59-6631; Filed, Aug. 11, 1959; 8:47 a.m.]

PROPOSED RULE MAKING

DEPARTMENT OF THE TREASURY

Internal Revenue Service
[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Short Sales

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any data, views, or arguments pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner

within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] CHARLES I. FOX,
*Acting Commissioner
of Internal Revenue.*

In order to conform the Income Tax Regulations (26 CFR Part 1) relating to short sales to the Act of August 12, 1955 (Public Law 385, 84th Cong., 69 Stat. 717), and to section 52 of the Technical Amendments Act of 1958 (72 Stat. 1643), such regulations are amended as follows:

PARAGRAPH 1. Section 1.1233 is amended—

(A) By striking "other than a hedging transaction in commodity futures," in the first sentence of section 1233(a).

(B) By inserting the following new paragraph immediately after paragraph (3) of section 1233(e):

(4) (A) In the case of a taxpayer who is a dealer in securities (within the meaning of section 1236)—

(i) If, on the date of a short sale of stock, substantially identical property which is a capital asset in the hands of the taxpayer has been held for not more than 6 months, and

(ii) If such short sale is closed more than 20 days after the date on which it was made,

subsection (b) (2) shall apply in respect of the holding period of such substantially identical property.

(B) For purposes of subparagraph (A)—

(1) The last sentence of subsection (b) applies; and

(ii) The term "stock" means any share or certificate of stock in a corporation, any bond or other evidence of indebtedness which is convertible into any such share or certificate, or any evidence of an interest in, or right to subscribe to or purchase, any of the foregoing.

(C) By inserting the following new subsection immediately after subsection (f) of section 1233:

(g) *Hedging transactions.* This section shall not apply in the case of a hedging transaction in commodity futures.

(D) By amending the historical note following section 1233 to read as follows:

[Sec. 1233 as amended by sec. 1, Act of Aug. 12, 1955 (Pub. Law 385, 84th Cong., 69 Stat. 717); sec. 52, Technical Amendments Act 1958 (72 Stat. 1643)]

PAR. 2. Section 1.1233-1 is amended—

(A) By striking the first sentence of paragraph (b) and inserting the following in lieu thereof: "Under section 1233(g), the provisions of section 1233 and this section shall not apply to any bona fide hedging transaction in commodity futures entered into by flour millers, producers of cloth, operators of grain elevators, etc., for the purpose of their business."

(B) By inserting at the end of paragraph (c) (1) the following: "See paragraph (f) of this section for detailed rules relating to arbitrage operations in stocks and securities."

(C) By striking "section 1233" in rule (2) as set out in paragraph (c) (2) and inserting in lieu thereof "section 1233".

(D) By inserting the following immediately after the end of paragraph (d) (3):

(e) *Special rule for short sales by dealers in securities under certain circumstances.* In the case of a short sale of stock after December 31, 1957, by a dealer in securities, section 1233(e) (4) (A) provides that the holding period of substantially identical stock which he has held as an investment for not more than 6 months shall be determined in accordance with section 1233(b) (2) unless such short sale is closed within 20 days of the date on which it was made. See rule (2) as set out in paragraph (c) (2) of this section for the purpose of determining the holding period of such substantially identical stock. In addition, section 1233(e) (4) (B) provides that for the purpose of the special rule of section 1233(e) (4) (A), the acquisition of an option to sell property at a fixed price shall be considered a short sale, and the exercise or failure to exercise such option shall be considered a closing of such short sale. For purposes of this paragraph—

(1) Whether or not a taxpayer is a "dealer in securities" shall be determined in accordance with the meaning of the term for purposes of section 1236;

(2) Whether or not stock is "substantially identical" with other property shall be determined in accordance with the provisions of paragraph (d) (1) of this section; and

(3) The term "stock" means—

(i) Any share or certificate of stock,

(ii) Any bond or other evidence of indebtedness which is convertible into a share or certificate of stock, and

(iii) Any evidence of an interest in, or right to subscribe to or purchase, any of the items described in subdivision (i) or (ii) of this subparagraph.

(f) *Arbitrage operations in stocks and securities and holding periods—*(1) *General rule.* (i) In the case of a short sale entered into as part of an arbitrage operation, rule (2) of paragraph (c) of this section shall apply first to substantially identical property acquired for arbitrage operations and held by the taxpayer at the close of business on the day of the short sale. The holding period of substantially identical property not acquired for arbitrage operations shall be affected only to the extent that the amount of property sold short exceeds the amount of substantially identical property acquired for arbitrage operations and held

by the taxpayer at the close of business on the day of the short sale.

(ii) If the substantially identical property acquired for arbitrage operations is disposed of without closing the short sale so that a net short position in assets acquired for arbitrage operations is created, a short sale in the amount of such net short position will be deemed to have been made on the day such net short position is created. Rule (2) of paragraph (c) of this section will then apply to substantially identical property not acquired for arbitrage operations to the same extent as if the taxpayer, on the day such net short position is created, sold short an amount equal to the amount of the net short position in a transaction not entered into as part of an arbitrage operation.

(iii) The following examples illustrate the application of rule (2) of paragraph (c) of this section to arbitrage operations:

Example (1). On August 13, 1957, A buys 100 bonds of X Corporation for purposes other than arbitrage operations. The bonds are convertible at the option of the bondholders into common stock of X Corporation on the basis of one bond for one share of stock. On November 1, 1957, A sells short 100 shares of common stock of X Corporation in a transaction identified and intended to be part of an arbitrage operation and on the same day buys another 100 bonds of X Corporation in a transaction identified and intended to be part of the same arbitrage operation. On December 1, 1957, A closes the short sale with 100 shares of common stock of X Corporation acquired on that day. The holding period of the bonds acquired on November 1, by application of rule (2), will be deemed to begin on December 1 and the holding period of the bonds acquired on August 13 will be unaffected. If A converts the bonds acquired on November 1 into common stock and uses the stock so acquired to close the short sale on December 1, rule (2) has no effect on the holding period of the bonds acquired on August 13.

Example (2). Assume the same facts as in example (1) except that A, on December 1, sells the bonds acquired on November 1 (or converts such bonds into common stock and sells the stock), but does not close the short sale. The sale of the bonds (or stock) creates a net short position in assets acquired for arbitrage operations which is deemed to be a short sale made on December 1. Accordingly, the holding period of the bonds acquired on August 13 will, by application of rule (2), begin on the date such short sale is closed or on the date of sale, gift, or other disposition of such bonds, whichever date occurs first.

(2) *Right to receive or acquire property.* (i) For purposes of section 1233(f) (1) and (2) and subparagraph (1) of this paragraph, a taxpayer will be deemed to hold property acquired for arbitrage operations at the close of any business day if, by virtue of the ownership of other property acquired for arbitrage operations or because of any contract entered into by the taxpayer in an arbitrage operation, he then has the right to receive or acquire such property.

(ii) The application of section 1233(f) (3) and subdivision (1) of this subparagraph may be illustrated by the following example:

Example. A acquires on August 13, 1957, 100 shares of preferred stock of X Corporation which he may, at his option, convert into common stock of X on the basis of one

share of preferred stock for one share of common stock. On November 1, A sells short, in a transaction identified and intended to be part of an arbitrage operation, 100 shares of X common stock. On the same day, in a transaction also identified and intended to be part of the same arbitrage operation, A contracts to purchase 100 shares of preferred stock of X. The preferred stock is delivered to A on November 3. Since A had contracted, as part of an arbitrage operation, to purchase substantially identical property to that sold short and, therefore, had the right to receive such property at the close of business on the date of the short sale, he will be deemed, for purposes of section 1233(f) (1) and (2), to hold such property at the close of business on such day. Accordingly, because of the operation of rule (2), the holding period of the preferred stock acquired as the result of A's contract to purchase it as part of an arbitrage operation (or the common stock which A acquires by conversion of such preferred stock into common stock) will not begin until the short sale entered into in the arbitrage operation is closed.

(3) *Definition of arbitrage operations.* For the purpose of section 1233(f), arbitrage operations are transactions involving the purchase and sale of property entered into for the purpose of profiting from a current difference between the price of the property purchased and the price of the property sold. Assets acquired for arbitrage operations include only stocks and securities and rights to acquire stocks and securities. The property purchased may be either identical to the property sold or, if not so identical, such that its acquisition will entitle the taxpayer to acquire property which is so identical. Thus, the purchase of bonds or preferred stock convertible, at the holder's option, into common stock and the short sale of the common stock which may be acquired therefor, or the purchase of stock rights and the short sale of the stock to be acquired on the exercise of such rights, may qualify as arbitrage operations. A transaction will qualify as an arbitrage operation under section 1233(f) only if the taxpayer properly identifies the transaction as an arbitrage operation on his records as soon as he is able to do so. Such identification must ordinarily be entered in the taxpayer's records on the day of the transaction. Property acquired in a transaction properly identified as part of an arbitrage operation is the only property which will be deemed acquired for an arbitrage operation. The provisions of section 1233(f) and this paragraph shall continue to apply to property acquired in a transaction properly identified as an arbitrage operation although, because of subsequent events, e.g., a change in the value of bonds so acquired or of stock into which such bonds may be converted, the taxpayer sells such property outright rather than using it to complete the arbitrage operation in the ordinary manner.

(4) *Effective date of section 1233(f).* Section 1233(f), relating to arbitrage operations involving short sales of property, is effective only with respect to taxable years ending after August 12, 1955, and only with respect to short sales made after such date.

[F.R. Doc. 59-6632; Filed, Aug. 11, 1959; 8:47 a.m.]

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

I 50 CFR Part 31 I

DEER FLAT NATIONAL WILDLIFE REFUGE, IDAHO

Deer Hunting Permitted

Notice is hereby given that pursuant to the authority contained in section 10 of the Migratory Bird Conservation Act of February 18, 1929 (45 Stat. 1224; 16 U.S.C. 715i), and under authority delegated by Commissioner's Order 4 (22 F.R. 8126), it is proposed to add § 31.102 to Subpart—Deer Flat National Wildlife Refuge, Idaho, Chapter I, Title 50, Code of Federal Regulations, reading as set forth in tentative form below. The purpose is to permit annual deer hunting on certain lands of the Deer Flat National Wildlife Refuge in accordance with existing State procedures and regulations.

Interested persons may submit in duplicate written comments, suggestions, or objections with respect to the proposed regulation to the Director, Bureau of Sport Fisheries and Wildlife, Washington 25, D.C., within thirty days of the date of publication of this notice in the FEDERAL REGISTER.

Dated: August 6, 1959.

D. H. JANZEN,
Director, Bureau of
Sport Fisheries and Wildlife.

HUNTING

§ 31.102 Deer hunting permitted.

Subject to compliance with the provisions of Parts 18 and 21 of this chapter, deer hunting is permitted on the hereinafter described lands of the Deer Flat National Wildlife Refuge subject to the following conditions, restrictions, and requirements:

(a) *State laws.* Strict compliance with all applicable State laws and regulations is required.

(b) *Area.* All lands on the Deer Flat National Wildlife Refuge, Idaho, are open to deer hunting except in areas which may be posted for the protection of personnel and property.

(c) *Season.* Deer may be taken only during the open archery season as prescribed therefore by the laws and regulations of the State of Idaho provided that no deer may be taken during the waterfowl hunting season.

(d) *Hunting methods.* Deer may be taken solely by means of bow and arrow; all equipment must comply with the standards required by State law. The possession or use of firearms on the refuge is prohibited. Dogs are not permitted for hunting.

(e) *State cooperation.* State cooperation may be enlisted in the regulation, management, and operation of checking stations or the public hunting area, and the State may promulgate such special regulations as may be necessary for these purposes.

[F.R. Doc. 59-6618; Filed, Aug. 11, 1959; 8:45 a.m.]

DEPARTMENT OF LABOR

Bureau of Employment Security

I 20 CFR Parts 602, 604 I

UNITED STATES EMPLOYMENT SERVICE

Interstate Recruitment of Agricultural Workers and Placement Policy

Under the authority of section 12, 48 Stat. 117, as amended; 29 U.S.C. 49k, notice is hereby given that I propose to amend 20 CFR 602.9 and 604.1(g) to read as follows:

§ 602.9 Interstate recruitment of agricultural workers.

No order for recruitment of agricultural workers shall be placed into interstate clearance unless there are assurances from the State agency that:

(a) The State agency has established that such workers are not available locally or within the State.

(b) The State agency has compiled and examined data on the estimated crop acreage, yield, and other production factors in accordance with procedures established by the Bureau of Employment Security (United States Employment Service) to assure the validity of need and the minimum number of workers required.

(c) The State agency has ascertained that wages offered are not less than the wages prevailing in the area of employment for local workers similarly employed and not less than those prevailing in the area of employment among employers employing domestic workers recruited outside the State.

(d) The State agency has ascertained that housing and facilities (1) are available; (2) are hygienic and adequate to the climatic conditions of the area of employment; (3) are reasonably calculated to accommodate available domestic agricultural workers and (4) conform to the requirements of the applicable State, county or local housing and sanitary codes, or, in the absence of such applicable codes, have been determined by the State agency to be such as will not endanger the lives, health or safety of the workers. In making such determination the State agency shall give full consideration to the applicable recommendations of the President's Committee on Migratory Labor with respect to housing and related facilities.

(e) The State agency has ascertained that the employer has offered to provide transportation arrangements for workers (1) not less favorable to the workers than those arrangements prevailing among employers in the area of employment who recruit workers from the area from which the workers are to be obtained; or (2) in the absence of such prevailing practice in the area of employment, not less favorable to the workers than the transportation arrangements which prevail among out-of-State employers who recruit domestic workers from the area of supply, as determined by the State agency in the State requested to supply the workers.

(f) The State agency has ascertained that other terms and conditions of employment offered are not less favorable than those prevailing in the area of employment for domestic workers for similar work.

(Sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k)

§ 604.1 The placement process.

* * * * *

(g) To ensure insofar as practicable that applicants referred to employers are suitably qualified for job openings and that available information as to the worker's reliability and his past fulfillment of his work contract commitments is taken into account before he is referred.

(Sec. 12, 48 Stat. 117, as amended; 29 U.S.C. 49k)

In order that interested persons may have the opportunity to participate in the rule making process, notice is also given that a Hearing Examiner will be appointed to receive data, views and arguments of interested persons which are pertinent to the issue at 10:00 a.m., September 10, 1959, in Conference Room B, in the Inter-Departmental Auditorium, 14th Street and Constitution Avenue, Washington 25, D.C.

Any interested person desiring to participate in the rule making process may appear personally, or by representative or counsel, for an oral presentation at the appointed time and place, or may submit such data, views or arguments in writing (four copies) to the Chief Hearing Examiner, United States Department of Labor, 14th Street and Constitution Avenue NW., Washington, D.C., not later than September 10, 1959.

Oral presentations shall be reported, and transcripts will be made available upon request to any interested person on such terms as the Hearing Examiner may provide. The Hearing Examiner shall regulate the course of such presentation, dispose of procedural requests, objections, and comparable matter, and confine any presentation to the matters proposed. He shall have discretion to keep the record open for a reasonable stated time, upon completion of oral presentations, to receive written proposals and supporting reasons, or additional data, views and arguments from persons who have participated.

The transcript of oral testimony including incidental proposals and supporting reasons, and written submissions of data, views or arguments shall be certified by the Hearing Examiner to the Secretary of Labor. The Secretary of Labor will give careful consideration to all relevant matter thus presented, together with such other information that may be available to him, and will thereafter make such amendment to 20 CFR 602.9 as he may determine to be appropriate.

Signed at Washington, D.C., this 10th day of August 1959.

JAMES P. MITCHELL,
Secretary of Labor.

[F.R. Doc. 59-6695; Filed, Aug. 11, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[49 CFR Part 170]

REVISION OF DEFINITION OF BOUNDARY OF RAVENSWOOD, W. VA., COMMERCIAL ZONE

Notice of Proposed Rule Making

Pursuant to section 4(a) of the Administrative Procedure Act (60 Stat. 237, 5 U.S.C. 1003) notice is hereby given that, for the purpose of including additional points and areas, which by reason of industrial and other developments and growth have become a part thereof, within the defined limits of the zone which is adjacent to and commercially a part of Ravenswood, W. Va., within the meaning of section 203(b) (8) of the Interstate Commerce Act, the Interstate Commerce Commission, informed by experience and by an informal investigation, proposes to modify and redefine, as hereinafter indicated, the limits of the zone adjacent to and commercially a part of Ravenswood, W. Va., heretofore determined by the application of the population-mileage formula prescribed in Commercial Zones and Terminal Areas, 46 M.C.C. 665, 49 CFR 170.16, and to revise description of such zone limits to read as follows:

(a) The municipality of Ravenswood, W. Va., itself.

(b) All points within a line drawn three miles beyond the corporate limits of Ravenswood, W. Va.

(c) All points in that area south and southwest of those described in (b) above, bounded by a line as follows: Beginning at the point where the Ohio River meets the line described in (b) above southwest of Ravenswood, thence southerly along the east bank of the Ohio River to the point where the mouth of the Lick Run River empties into the Ohio River; thence in a northeasterly direction along the banks of the Lick Run River to the point where such river crosses W. Va. Highway 2 (south of Ripley Landing); thence in a northerly direction along W. Va. Highway 2 to the junction of the line described in (b) above west of Pleasant View.

No oral hearing is contemplated, but anyone wishing to make representations in favor of, or against, the above-proposed revision of the defined boundary of the Ravenswood, W. Va., commercial zone may do so by the submission of written data, views, or arguments. An original and five copies of such data, views, or arguments shall be filed with the Commission on or before September 21, 1959.

Notice to the general public of the action herein taken shall be given by depositing a copy of this notice in the Office of the Secretary of the Commission for public inspection and by filing a

copy thereof with the Director, Office of the Federal Register.

By the Commission, Division 1.

[SEAL] HAROLD D. McCox,
Secretary.

[F.R. Doc. 59-6633; Filed, Aug. 11, 1959; 8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 1012]

[Docket No. AO-278-A3]

MILK IN BLUEFIELD MARKETING AREA

Notice of Hearing on Proposed Amendments to Tentative Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of a public hearing to be held at the West Virginian Hotel, Bluefield, West Virginia, beginning at 10:00 a.m., e.s.t., on August 20, 1959, with respect to proposed amendments to the tentative marketing agreement and to the order, regulating the handling of milk in the Bluefield marketing area.

The public hearing is for the purpose of receiving evidence with respect to the economic and marketing conditions which relate to the proposed amendments, hereinafter set forth, and any appropriate modifications thereof, to the tentative marketing agreement and to the order.

The proposed amendments, set forth below, have not received the approval of the Secretary of Agriculture.

Proposed by the Tri-State Milk Producers Association, Inc.:

Proposal No. 1. Review the Class I price in view of the expiration thereof on October 31, 1959.

Proposal No. 2. Review the Class II price.

Proposed by the Dairy Division, Agricultural Marketing Service:

Proposal No. 3. Make such changes as may be necessary to make the entire marketing agreement and the order conform with any amendments thereto that may result from this hearing.

Copies of this notice of hearing and the order may be procured from the Market Administrator, 617½ Shelby Street, Bristol, Tenn., or from the Hearing Clerk, Room 112, Administration Building, United States Department of Agriculture, Washington 25, D.C., or may be there inspected.

Issued at Washington, D.C., this 7th day of August 1959.

F. R. BURKE,
Acting Deputy Administrator.

[F.R. Doc. 59-6653; Filed, Aug. 11, 1959; 8:49 a.m.]

[7 CFR Part 1024]

[Docket No. AO-308]

MILK IN OHIO VALLEY MARKETING AREA

Notice of Recommended Decision and Opportunity To File Written Exceptions to Proposed Marketing Agreement and Order

Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.), and the applicable rules of practice and procedure, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900), notice is hereby given of the filing with the Hearing Clerk of this recommended decision of the Deputy Administrator, Agricultural Marketing Service, United States Department of Agriculture, with respect to a proposed marketing agreement and order regulating the handling of milk in the Ohio Valley marketing area. Interested parties may file written exceptions to this decision with the Hearing Clerk, United States Department of Agriculture, Washington 25, D.C., not later than the close of business the 20th day after publication of this decision in the FEDERAL REGISTER. The exceptions should be filed in quadruplicate.

Preliminary statement. The hearing on the record of which the proposed marketing agreement and order, as hereinafter set forth, were formulated, was conducted at Evansville, Indiana on October 14-22, 1958, pursuant to notice thereof which was issued September 17, 1958 (23 F.R. 7401).

The material issues of record relate to:

1. Whether the handling of milk produced for sale in the proposed marketing area is in the current of interstate commerce, or directly burdens, obstructs, or affects interstate commerce in milk or its products;

2. Whether marketing conditions show the need for the issuance of a milk marketing agreement or order which will tend to effectuate the policy of the Act; and

3. If an order is issued what its provisions should be with respect to:

(a) The scope of regulation;

(b) The classification and allocation of milk;

(c) The determination and level of class prices;

(d) Distribution of proceeds to producers; and

(e) Administrative provisions.

Findings and conclusions—(1) Character of commerce. The handling of all milk to be regulated by the proposed marketing agreement and order for the Ohio Valley marketing area, as defined hereinafter, is in the current of interstate commerce or directly burdens, obstructs, and affects interstate commerce in milk and its products.

The Ohio Valley Milk Producers Association, Evansville, Indiana, regularly furnishes the entire fluid milk requirements of seven milk plants located in Evansville, Indiana and Owensboro, Kentucky. Fluid milk products proc-

essed in these plants are distributed throughout the recommended marketing area in Indiana and Kentucky. Milk is regularly received at these plants directly from association members' farms located in Indiana and Kentucky and from the association's receiving station located in Russellville, Kentucky. Of the association's 756 members in August 1958, 465 supplied milk from farms located in Indiana and 291 from farms located in Kentucky. The association directs the deliveries of milk of its members so as to balance receipts in individual plants in relation to their need for milk. There is a continuous intermingling of milk, therefore, originating from the Indiana and Kentucky portions of the supply area. In addition, supplementary supplies of milk have been received at Evansville and Owensboro plants from plants located in Ordfordville, Brooklyn and Oregon, Wisconsin; Chicago, Illinois and Fort Wayne, Indiana. Milk is received in the Fort Wayne market from farms in the States of Indiana and Ohio.

A company operating one of the plants in Evansville also operates a plant in Owensboro. Bulk milk and packaged fluid milk products are moved between these two plants. Milk processed and packaged in Evansville is delivered to and distributed from the Owensboro plant throughout the Kentucky counties included in the recommended marketing area. Approximately two percent of the fluid sales from this plant also is disposed of in Montgomery County, Tennessee. Likewise, milk processed and packaged in the Owensboro plant is moved to the Evansville plant and distributed to consumers in Indiana. In addition, more than 10 percent of the total fluid milk distributed from this plant is disposed of in 11 counties in Illinois. Ten percent of the total fluid milk distributed from another Evansville, Indiana, plant is distributed in Kentucky.

Cottage cheese is regularly received in bulk from a plant in Carbondale, Illinois, at plants in Evansville and Owensboro where it is packaged and distributed in Indiana, Kentucky, Tennessee and Illinois.

Part of the milk supply for a plant located in Holland, Indiana, is procured from dairy farmers in competition with Evansville handlers and in eastern Indiana in competition with Louisville, Kentucky handlers. Approximately 85 percent of the total fluid milk distributed on retail and wholesale routes from this plant is distributed in Indiana and the remaining 15 percent is distributed in Kentucky.

Fluid milk is regularly received at a plant located in Madisonville, Hopkins County, Kentucky, from farms located in Kentucky and Tennessee. During August 1958, 29,963 pounds of milk was received from the latter source.

Fluid milk in consumer packages is supplied from a plant in Indianapolis, Indiana, to chain stores in Evansville, Owensboro and other municipalities in the marketing area in Indiana and Kentucky.

Plants located in Vincennes, Indiana, and Robinson, Illinois, distribute fluid

milk products in the recommended marketing area and in other areas in Indiana and Illinois. Milk from a plant located in Louisville (regulated under the Louisville order) is distributed on wholesale and retail routes in Indiana and Kentucky counties in the recommended marketing area.

Milk in excess of fluid requirements of the seven plants located in Evansville and Owensboro, is normally disposed of by the producers' association through their Russellville receiving station to a manufacturing plant located in Columbia, Tennessee. On occasions, the association has disposed of reserve milk to a manufacturing plant in Orleans, Indiana. At times the association has disposed of reserve supplies to plants located outside Kentucky and Indiana for fluid disposition by such plants. During 1957, such sales were made to plants in Alabama.

Reserve supplies of milk of other handlers who would be regulated under the recommended order are either made into manufactured products in their plants or disposed of to manufacturing plants in Indiana, Kentucky, Illinois and Tennessee. Manufactured products made from such milk are moved in interstate commerce or are sold in competition with similar products entering into interstate commerce.

(2) *Need for regulation.* Marketing conditions in the Ohio Valley marketing area warrant the issuance of a marketing agreement and order to regulate the handling of milk in such area.

The Ohio Valley Milk Producers Association, the proponent of the order for the Ohio Valley marketing area surrounding Evansville, Indiana and Owensboro, Kentucky, represents more than 750 dairy farmers and about 99 percent of the dairy farmers supplying milk to six distributing plants located in these cities. The Southern Kentucky Milk Producers Association representing 65 of the 85 dairy farmers supplying a distributing plant at Madisonville, Kentucky also supported regulation for a number of counties comprising the sales area for their milk.

The Ohio Valley Milk Producers Association has had a formal marketing contract with individual handlers in Evansville and Owensboro since 1952. The association supplies the full milk requirements of all the plants located in these cities. These plants are the primary outlets for the association members' milk. In recent years the association has also supplied a bottling plant located at Russellville, Kentucky, outside the proposed marketing area. Occasionally, shipments of supplemental milk are made to other relatively small bottling plants located in the proposed marketing area. The fluid milk supplied consumers by the six plants in Evansville and Owensboro and the plant in Madisonville is a substantial portion of the total fluid milk consumed in the hereinafter recommended 20-county marketing area.

Under the Ohio Valley Association's marketing contract with handlers milk, including the milk of a small number of nonmember-producers, is subject to

classified pricing and marketwide pooling. The association's plan for pricing and pooling milk is similar to, and for the most part based on, that applied under nearby Federal orders regulating the handling of milk in Louisville and Paducah, Kentucky and Nashville, Tennessee. The association's arrangement with handlers provides for supplying their full fluid milk requirements and for assuming responsibility for handling any reserve supplies of milk. Reserve milk is disposed of primarily to manufacturing outlets. When available, occasional shipments are made to other markets for fluid disposition. Any supplies needed by the plants to fulfill their fluid requirements in addition to receipts from association members are procured by the cooperative association.

Under the association's pooling plan, all producers supplying milk to contracting handlers share equally in the benefits accruing from the fluid sales of such handlers and in the cost of carrying the necessary reserve supplies associated with such sales. During the 12-month period ending in August 1958 a total of 103.2 million pounds of milk was priced and pooled by the association for its members.

The association maintains a staff of employees to assemble and furnish monthly reports on prices, receipts and utilization of milk to its membership and contracting handlers. A continuous educational and milk quality program also is conducted among the membership. The association has a program for the reporting of receipts and utilization by handlers receiving member milk and for verifying such reports by auditing handlers' records. The auditing program, however, has been somewhat limited in scope and its operation has not been entirely satisfactory.

The marketing program of the Ohio Valley Milk Producers Association has conformed for the most part with sound marketing practices, contributed to market stability and has tended to promote orderly marketing conditions. During the past three or four years, however, changes in the procurement and distribution of milk have resulted in conditions which have gradually eroded the effectiveness of the association's program. Extensive competition has developed in the sale of fluid milk in this area between the handlers being supplied milk by the association and milk distributors whose supply of milk is not purchased on a classified basis. Keen competition has been experienced from plants located in Holland, Vincennes, Huntingburg and Indianapolis, Indiana and with plants located in Princeton, Henderson and Louisville, Kentucky. The milk supply for these plants is obtained from dairy farmers on the basis of a variety of different pricing plans. A number of them purchase their milk supply from dairy farmers at prices which are approximately the same as the average price resulting from the cooperative association's marketwide pool. Dairy farmers delivering milk to most of these plants do not have effective marketing programs and are uninformed as to the basis on which their milk is priced. Those han-

dlers not under a classified pricing plan are able to expand their fluid sales in the area with milk purchased at prices which approximate the average association pool price. Evansville-Owensboro handlers, on the other hand, are required to pay a higher price (Class I) for milk for fluid use. As the number of distributors has increased in the metropolitan Evansville-Owensboro area the struggle on the part of new suppliers to gain a larger portion of the market, on the one hand, and the desire of local handlers to maintain their sales, on the other, has resulted in wholesale and retail price cutting. The most drastic price reductions have prevailed on weekends at grocery stores. Some local distributors have met the wholesale price reductions of their competitors. Heavier than usual weekend purchases by consumers were stimulated. These sporadic increases in purchases of milk made it necessary for the producer association to import milk to provide dealers supplied by them with an adequate supply of milk for their customers at the reduced wholesale prices. Following such weekends, consumer purchases of milk invariably fell below normal and the association found it necessary to dispose of excess milk to manufacturing outlets. Consequently, association members had to bear the cost of carrying a temporary surplus and received lower uniform prices than otherwise would have been received had it not been necessary to make temporary and sporadic importations of milk.

During the fall of 1958 the association was informed by handlers participating in the marketing plan that they must obtain a milk supply at prices commensurate with those paid by nonparticipating distributors or they could not successfully compete in the fluid market and provide a Class I outlet for the association members' milk. The association was unable to continue a negotiated price level commensurate with local supply-demand conditions. Furthermore, this occurred immediately preceding the period of seasonally low production and even more important, at a time when producer receipts showed a general downward trend. The Western Kentucky Milk Producers Association which also sells the milk of its members on a classified plan experienced a similar situation.

In an effort to promote market stability and more orderly marketing for all dairy farmers supplying milk to the area, the Ohio Valley Milk Producers Association communicated with some of the distributors who do not procure milk from association members to obtain their approval and acceptance of its marketing agreement and classified pricing and pooling plan. The association agreed to furnish such handlers a supply of milk necessary to fulfill their Class I and Class II requirements and to handle any additional reserve supply associated with such requirements. These efforts by the association to prevent disruption of its classified pricing and pooling plan and to maintain orderly marketing in the Ohio Valley area have not been successful. Such handlers failed or refused to accept the association's offer with the result that marketing conditions have con-

tinued to deteriorate and at times have become chaotic.

The issuance of an order to regulate the handling of milk in the Ohio Valley marketing area would tend to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937 by restoring and maintaining orderly marketing conditions for all milk produced for sale within the designated area and assure an adequate and dependable supply of pure and wholesome milk to consumers.

Basically, an order will provide for:

(a) A predetermined and dependable method for establishing prices to producers at levels contemplated under the Agricultural Marketing Agreement Act, as amended;

(b) The establishment of uniform pricing to all handlers for milk received from producers according to a classified pricing plan based upon the utilization made of the milk;

(c) An impartial audit made of handlers' records of receipts and utilization to further insure uniform prices for milk purchased;

(d) A means for assuring accurate weights and tests of milk;

(e) Uniform returns to producers supplying the market and an equitable sharing by all producers of the lower returns from the sale of the necessary reserve supply; and

(f) Marketwide information for producers, handlers and consumers on receipts, sales and other data relating to milk marketing in the area.

(3) (a) *Scope of regulation.* It is necessary to designate clearly what milk and what persons would be subject to the various provisions of the order. This can best be done by providing definitions which set forth the categories of persons, plants and milk products for purposes of classification of milk and of application of other provisions of the order.

Marketing area. The Ohio Valley marketing area should include all the territory within Crawford, Dubois, Gibson, Perry, Pike, Posey, Spencer, Vanderburgh and Warrick Counties, all in the State of Indiana; and Breckinridge, Daviess, Grayson, Hancock, Henderson, Hopkins, McLean, Muhlenberg, Ohio, Union, and Webster Counties, all in the State of Kentucky. This definition is intended to include all municipal corporations and Federal and State institutions, facilities or installations lying wholly or partly within the described area.

The Ohio Valley Milk Producers Association proposed a marketing area consisting of the counties of Posey, Vanderburgh, Warrick and Spencer in Indiana and Henderson, Daviess and Hancock in Kentucky. These seven counties are relatively densely populated and encompass the major population centers along this segment of the Ohio River, including Evansville, Indiana (population 137,000) and Henderson (population 20,000) and Owensboro (population 50,000), Kentucky. Certain handlers with plants located outside the seven-county area supported a marketing area restricted to these three cities. Other proposals considered at the hearing would include Butler and Edmonson Counties, Ken-

tucky and Orange County, Indiana in addition to the 20 counties recommended herein.

More than 75 percent of the fluid milk requirements for the seven-county area proposed by the association is supplied from six milk distributing plants located in Evansville and Owensboro. These plants are furnished a full supply of milk by the association and they represent the principal outlet for milk of the more than 750 producers who are members of the association. The association also supplies the requirements of a bottling plant located in Russellville, Kentucky. This plant furnishes its entire output of fluid milk to an army installation located near the Kentucky-Tennessee border outside the recommended 20-county marketing area.

It would not be administratively feasible to segregate deliveries of fluid milk products made within the marketing area in the case of municipalities or institutions and installations which are partly within and partly outside the designated marketing area. Therefore, any such municipalities, institutions or installations located partly outside the marketing area are included, in their entirety, within the marketing area as herein defined.

All six of the Evansville-Owensboro distributing plants and a plant located at Henderson, Kentucky, dispose of fluid milk outside of the seven-county area. These outside sales range from 3 to 16 percent of the total sales at five plants and are 24 and 65 percent, respectively, at the other two plants. The outside sales of the first of these latter two plants, located in Evansville, are confined primarily to Gibson County and the other plant, located in Owensboro, distributes milk in most of the Kentucky counties included in the 20-county marketing area and in additional Kentucky and Tennessee counties. Another Evansville plant with 16 percent of its sales outside the seven-county area serves a number of Indiana and Illinois counties.

Substantial competition in the sale of fluid milk products by Evansville-Owensboro handlers is encountered from sales by a plant located in Holland (Dubois County), Indiana. Approximately 17 percent of the sales from this plant is made in Vanderburgh County in which Evansville is located and more than 31 percent in the seven-county area. This plant disposes of milk in 18 of the 20 counties in the recommended marketing area and in 20 additional counties in Indiana and Kentucky.

A distributing plant located in Vincennes (Knox County), Indiana, sells about six percent of its total sales in the seven-county area. This plant receives milk from 124 producers and distributes fluid milk products in 36 Indiana and Illinois counties. Nine of these counties in Indiana are included in the recommended marketing area because of substantial sales by plants located at Evansville, Huntingburg and Holland which would be subject to full regulation. Sales in these nine counties represent slightly less than 25 percent of the distribution from the Vincennes plant. Sales in Illinois represent more than 30 percent of the total fluid sales of this plant and the

remaining 45 percent is sold in areas outside the 20-county area in Indiana.

A distributing plant located in Huntington (Dubois County), Indiana, disposes of approximately 30 percent of its total fluid sales in the seven-county area and approximately 95 percent of such sales in the recommended 20-county marketing area. Outside the seven-county area such sales are made primarily in competition with sales from the Holland and Vincennes plants.

The Western Kentucky Cooperative Milk Producers Association, representing 65 of the 85 milk producers who supply a distributing plant located at Madisonville, Kentucky, proposed that Hopkins County, Kentucky be added to the seven counties proposed by the Ohio Valley Milk Producers Association. They also supported the inclusion of Muhlenburg County, Kentucky in the marketing area. Hopkins County is a relatively densely populated area (approximately 41,000) and there is a community of competition for Class I sales among the local distributing plants supplied by these producers, the plants located in Henderson, Owensboro, Evansville and Holland and a plant located in Princeton, Caldwell County, Kentucky. The sales area of the Madisonville plant is primarily the counties of Hopkins, Muhlenburg, Webster, Union and Ohio in Kentucky. The plant at Princeton competes for sales throughout this same area and has substantial sales in six additional Kentucky counties located outside the proposed marketing area. Although these sales represent between 65 and 70 percent of the fluid distribution from the Princeton plant, such sales are made primarily in competition with handlers who would be subject to full regulation under the proposed order or handlers who are subject to regulation under the nearby Paducah, Kentucky order. The Princeton plant disposes of approximately 10 percent of its total sales in the Paducah marketing area and presently is subject to partial regulation under that order.

Butler and Edmonson Counties, Kentucky should be omitted from the marketing area. They are located on the southern edge of the sales area of two handlers who would be regulated by the order. Only a small proportion of the total sales of such handlers is made in these counties. Butler and Edmonson Counties are in the primary sales areas of two milk distributors whose plants are located to the south in Bowling Green, Kentucky. The exclusion of these two counties from the marketing area will not disrupt the orderly marketing of milk in the proposed marketing area and will afford a practical basis for separating the Ohio Valley marketing area from markets to the south of it. Likewise, the omission of Orange County, Indiana from the marketing area affords a practical basis for differentiating the Ohio Valley area from the area served by distributors primarily associated with other Indiana markets to the north.

The defined marketing area comprises the territory in which between 80 and 90 percent of the fluid milk handled by all distributors who would be subject to full regulation is marketed. Two handlers, one of which operates two plants, dis-

pose of milk in 18 of the 20 counties included in the marketing area.

The recommended marketing area, in conjunction with other definitions provided herein, would result in full regulation of 13 handlers whose plants are located in the marketing area. Nine handlers whose plants are located outside the marketing area would be partially regulated as a result of distribution of fluid milk products in the marketing area. Two handlers regulated by another Federal order and two producer-handlers also distribute fluid milk products in the area.

The health regulations applicable to the production and handling of fluid milk are similar throughout the 20-county area. In both the States of Indiana and Kentucky, State health regulations have been established adopting the standards of the Milk Ordinance and Code of 1953 of the U.S. Public Health Service, Publication No. 229. These State regulations provide a minimum standard which may be, but seldom is, modified by more rigid requirements of local health authorities. The two States, as well as local health authorities, work in close cooperation with respect to the inspection of dairy farms and the approval of plants for distribution of fluid milk in the proposed marketing area. The degree of similarity of minimum health standards and the reciprocity of approval practiced throughout the proposed marketing area justifies the uniform application of the order to all producer milk.

Several additional counties in Indiana, Kentucky, Tennessee and Illinois included in the original proposals of milk distributors were denied for inclusion in the notice of hearing. It is neither administratively feasible nor necessary to include within the marketing area all the territory in which handlers may be distributing any portion of their sales of fluid milk products. In fact, it would be impractical, if not impossible, to define a territory in which there would not be some competition with unregulated distributors. The 20-county area prescribed herein together with other definitions reduce to a minimum the out-of-area sales of fully regulated handlers without subjecting plants to full regulation which are not primarily associated with the Ohio Valley area and which sell the major volume of their fluid sales in other markets. An order for the 20-county marketing area is feasible and reasonable. Experience and data on sales in and outside of the recommended marketing area assembled under an order will assist in evaluating any new developments or changes in conditions which may indicate a need for expanding the marketing area. If such a need exists, a hearing may be held and the order changed by usual amendment procedure.

Plants. The minimum class prices of the order and the pooling of the proceeds for milk should apply to that milk eligible for distribution as Grade A milk in the marketing area which is received from dairy farmers at plants with significant sales of fluid milk products to consumers on retail and wholesale routes in the marketing area. Accordingly,

such plants should be defined as "pool plants", the dairy farmers supplying such milk as "producers", and such milk should be defined as "producer milk".

A "pool plant" should be any milk plant from which the total fluid milk products disposed of on routes (inside or outside the marketing area) are not less than 50 percent of the Grade A milk received at such plant from dairy farmers and from other plants during the month and from which 25 percent or more of such receipts is disposed of as fluid milk products in the marketing area on retail or wholesale routes. The definition of a pool plant also should include any milk plant which receives Grade A milk from dairy farmers and from which fluid milk products equal to not less than 50 percent of such receipts during the month are moved to a distributing-type plant (described above). If such shipments are not less than 50 percent of such receipts at such plant during the months of September through December, provision should be made to continue the pool plant status of such plant during the following months of January through August, unless the operator of such plant makes prior written application for non-pool status to the market administrator.

As recommended hereinafter, the marketwide pooling of the proceeds for Grade A milk received from dairy farmers at pool plants is considered essential to promote efficient and orderly marketing of milk in this area. The establishment of reasonable performance standards for pool plants is essential to the proper functioning of the marketwide pool.

Milk is disposed of for fluid consumption in the marketing area from plants having various degrees of relationship to the market ranging from exclusive to temporary, or incidental, service to the market. Pool status should not be accorded to plants not meeting a reasonable standard of substantial and regular service to the market.

Performance standards should be such that any plant which has a substantial function in supplying milk for fluid consumption to this market may pool its sales and the dairy farmers supplying such milk may share in the marketwide equalization. Plants only temporarily or incidentally associated with the market, on the other hand, should not be permitted or required to equalize their sales with other plants in the market and should not be subject to full regulation. If a milk plant were to be permitted to share on a pro rata basis the Class I utilization of the entire market without being genuinely associated with the market then the differential paid by users of the Class I milk could be dissipated without accomplishing its intended purpose. If a plant were to be pooled and fully regulated merely by making a token shipment of milk or cream for sale as Class I milk then any milk plant selling a smaller share of its milk in Class I than the average for all pool plants might make such sales in order to receive equalization payments from the pool. The only other qualification such a plant would be required to meet would be approval by a recognized health authority as a supplier of Grade A milk.

Reserve milk is an essential part of any fluid milk operation. There always will be some excess milk at plants engaged primarily in supplying other markets and this will be particularly true in the months of flush production. Such plants and other plants engaged in substantial manufacturing operations might make token sales, or supply milk on an opportunity basis, to regulated plants when supplies may be short primarily to participate in the marketwide pool. Such plants do not represent dependable sources of milk for consumers in the marketing area. A distributing-type plant from which less than 50 percent of its Grade A milk receipts is distributed on wholesale and retail routes as Class I milk is not considered as being primarily in the business of fluid milk distribution and the pooling of milk of such plant would dissipate the marketwide proceeds from the sale of Class I milk.

A distributing plant from which 75 percent or more of its Grade A receipts is distributed in the form of fluid milk products outside the marketing area is not substantially and sufficiently associated with the Ohio Valley market to be subject to full regulation and participate in the marketwide pool. The major portion of the fluid milk business at such a plant is in areas where the competition for fluid sales is primarily from other unregulated plants or from plants regulated under other orders. The full regulation of such plants could place them at a competitive disadvantage in supplying other areas with which they are more closely associated.

To reduce the territory from that recommended for inclusion in the marketing area and to provide full regulation of plants with less than 25 percent of their receipts distributed in the marketing area would not be feasible in this market. As previously shown, a reduction in the size of the marketing area would expose an unreasonable portion of the total fluid milk sales from regulated plants to competition from unregulated milk. The adoption of a standard of less than 25 percent under the present relatively wide distribution patterns of most distributing plants in this general area would unduly and unnecessarily extend the scope of the regulation. To increase the minimum fluid sales requirements within the marketing area as a means of reducing the scope of regulation would excuse from the regulation plants which have substantial sales in the market and thus an important influence on the returns to all dairy farmers who serve as the regular source of supply for this market.

Distributing plants serving the Ohio Valley marketing area in large measure are supplied milk directly from dairy farms. However, at times certain plants are supplemented with milk from receiving stations or supply plants. A supply plant moving 50 percent or more of the monthly receipts of milk from dairy farmers to distributing-type pool plants will identify any plant which is substantially associated with and whose primary function is to supply this market. The greatest need for milk from supply plant sources is during the period Sep-

tember through December—the months of lowest production. The months of September through December, therefore, should constitute the qualifying months for supply-type plants to be eligible for continuous pooling throughout the year.

During the months of January through August supplies of milk received at distributing plants directly from producers may be sufficient to supply most of the requirements for Class I milk in this market. It would be more economical to leave the more distant reserve milk at country supply plants for manufacturing or for movement directly to manufacturing outlets. Performance standards should not force milk to be transported to distributing plants in the months of seasonally high production for the purpose of maintaining eligibility for pooling. Any supply plant which meets the pooling requirements during September through December, therefore, should be a pool plant in each of the succeeding months of January through August unless the handler files a written request for nonpool status with the market administrator by the date on which the handler is required to file his monthly report in January.

The proposed pool plant definition in conjunction with the marketing area, hereinbefore defined, will regulate those plants and the milk of those dairy farmers who have an essential and substantial role in supplying consumers of this area with an adequate and dependable supply of fluid milk.

Any plant, regardless of its location, will have equal opportunity to comply with the standards and have its producers share proportionately in the total Class I sales for the market through the marketwide pool. Whether or not plants and dairy farmers become associated with the pool will depend on the economic considerations with which they are confronted such as prices, transportation costs and alternative outlets.

Some fluid milk products are disposed of in the marketing area from plants which are fully subject to the classification, pricing and pooling provisions of other Federal orders. It is not necessary to extend full regulation under this order to such plants which dispose of a major portion of their receipts in another regulated marketing area. To do so would subject such plants to duplicate regulation. Provision should be made, therefore, to exempt such plants from regulation under this order. Such plants, however, should be required to file reports of their receipts and utilization of milk to the market administrator in such manner as the market administrator may require and allow verification of the reports by him.

To distinguish different categories of plants and to facilitate formulating other order provisions, definitions of "fluid milk plant" and "nonpool plant" should be provided. A "fluid milk plant" should be defined so as to include pool plants as well as other plants that are not pool plants but from which fluid milk products are disposed of in the marketing area. A "nonpool plant" should be defined to refer to any milk plant engaged in receiving, processing, bottling or

manufacturing milk, other than a pool plant.

The term "route" should be defined to distinguish between the various methods of disposition of fluid milk products. This definition is necessary to facilitate the application of other order provisions. The term route should refer to the method by which fluid milk products are distributed to wholesale and retail customers. It should not apply to the disposition of fluid milk products from a fluid milk plant to plants in which fluid milk products are processed; to a milk manufacturing plant; to distribution points; or to food processing plants, except for consumption on the premises.

Handler. The term "handler" should be defined to include the operator of a fluid milk plant and a qualified cooperative association with respect to milk of producer-members which it causes to be diverted from a pool plant to a nonpool plant for the account of the association.

The term "handler" is used essentially to identify those persons who are responsible for reporting their receipts and utilization of milk and on whom financial obligations are imposed by the order. Reports from the operator of all fluid milk plants are necessary to determine their status as pool or nonpool plants and to compute their obligations either as fully regulated pool plants or as partially regulated fluid milk plants. Efficient marketing of milk will be promoted in this market by providing a means for cooperative associations to divert milk not needed by pool plants to nonpool plants and assume the responsibility for the accounting and pooling of such milk.

Producer-handler. The term "producer-handler" should include a person who operates a dairy farm and a fluid milk plant and who during the month receives no fluid milk products from other dairy farmers or a nonpool plant.

There are relatively few producer-handlers in the Ohio Valley area. Their enterprises are relatively small and they engage in family-type operations. Their sales of milk represent a minute proportion of the fluid milk sales in the area. The sales of milk by producer-handlers have not had a disrupting effect on the orderly marketing of milk in this area. Accordingly, it is not necessary to subject their milk to full regulation to achieve the declared purpose of the Act.

The exemption from pricing and pooling of the family-type of operation should be safeguarded, however, to prevent other operations from masquerading as producer-handlers and abusing the exemption to the detriment of the market and the effectiveness of the order. It is necessary, therefore, to provide that to maintain producer-handler status the maintenance, care and management of the dairy animals and other resources necessary to produce milk and the processing, packaging and distribution of the milk shall be the personal risk of the person involved. The term producer-handler is not intended to include any person who does not accept responsibility and risk for the operation of the plant in which the milk of his own production is processed and bottled for sale.

There is no practical distinction in function between a plant where milk may be "custom bottled" for a dairy farmer and the plants of handlers who buy milk from producers. The activities of the dairy farmer in distributing milk "custom bottled" compares to that of the "vendor" or "sub-dealer" who buys fluid milk products in packaged form from a regulated handler for distribution to consumers.

The producer-handler should be required to make reports of his receipts and utilization as the market administrator deems necessary to verify the continuing status of such person and to facilitate accounting and verification of transactions which may involve other handlers.

Producer. The term "producer" should be defined to include those dairy farmers who produce milk on farms approved by the responsible health authorities for the production of milk for disposition as Grade A milk to consumers and which is received at a pool plant (including milk diverted as provided herein).

The intent of the order is to price and pool that milk of dairy farmers which is eligible for fluid disposition and which is received by fluid milk plants which qualify as pool plants.

Plants distributing milk labeled as Grade A milk are required by the various health authorities having jurisdiction in the marketing area to obtain such milk from dairy farmers holding farm permits or who have been certified by such health authorities as sources of milk for Grade A distribution. Reciprocal approval is recognized by the various health authorities throughout the marketing area. Health department acceptability and delivery of milk at a pool plant are reasonable criteria for distinguishing the producers of milk which is to be priced and pooled under the order from other dairy farmers. For reasons stated later in this decision, producer-handlers should not be considered as producers under the order. In order to preclude duplicate regulation of milk, provision should be made also for excluding as producers persons whose milk is received at a pool plant if such milk is diverted under another order and is subject to the pricing and payment provisions of such other order.

Producer milk. The term "producer milk" should be defined to include the skim milk and butterfat which is contained in approved milk produced by persons qualifying as producers and which is received at a pool plant directly from such producers' farms (including milk diverted to other plants under certain specified conditions). The term is intended to include that milk approved for fluid disposition which is to be priced and pooled under the order. A definition of such milk provides a convenient reference for use in construction of other order provisions.

Milk which is diverted at the producers' farm from the pool plant where previously received to another pool plant or to a nonpool plant should be considered as producer milk and retained in the pool even though it is not received at a pool plant. Diversion of milk will

promote efficiency in the marketing of milk temporarily not needed in the pool plant since it is frequently possible for such reserve milk to be hauled directly from the farm to another pool plant or to a nonpool plant for disposition. Most commonly these movements occur during the months of flush production.

The marketing program of the Ohio Valley Milk Producers Association, as previously discussed, provides for the allocation of milk to handlers in accordance with their needs and the supplying of such needs to the extent available from the closest sources of direct shipped milk. Production of producers located in the southern portion of the milkshed is used as a "balance wheel" for fulfilling the full supply requirements when needed. Therefore, during the months of seasonally high production the most efficient means of supplying the market requirements may be achieved by continuously diverting the milk of such producers.

Diversions of milk may be necessary also during the months of low production to accommodate temporary milk excesses during holiday periods or on weekends. Producer associations which are responsible for marketing the milk of its members, therefore, must be in a position to divert the members' milk throughout the year.

The diversion provisions should not encourage an excessive amount of milk to be associated with the pool. Accordingly, the operator of a pool plant should not be permitted to divert milk to a nonpool plant for more than one-half of the days of delivery during any month and a cooperative association should be subject to the same limitations except during the months of highest production (April through July). More liberal diversion provisions to cooperative associations are needed to expedite the orderly disposition of the seasonal reserve supply.

Other source milk. The term "other source milk" should be defined as all skim milk and butterfat utilized by a handler in his operations during the month, except fluid milk products received from pool plants, inventory of fluid milk products at the beginning of the month and current receipts of producer milk. The term thus defined includes all skim milk and butterfat in products other than fluid milk products from any source, including those produced at the handler's plant which are reprocessed, repackaged, or converted to other products during the month. Defining other source milk in this manner will: (1) Provide a general category of milk at pool plants which is not subject to pricing and pooling during the current month, (2) insure uniformity of treatment of all handlers under the allocation and pricing provisions of the order regardless of the source of the milk, and (3) be useful in the construction of the accounting and allocation provisions of the order.

Fluid milk product. The term "fluid milk product" is a useful reference in order construction, particularly in the reporting, transfer and allocation provisions. It includes essentially the same milk and milk products as Class I milk.

Definitions of standard terms common to most orders such as "Act", "Secretary", "person", "Department", "cooperative association", "Chicago butter price", "nonfat dry milk solids price" and "base" and "excess" milk (hereinafter discussed) should be included in the order for brevity in constructing other order provisions.

(b) **Classification of milk.** Milk and milk products received by handlers should be classified on the basis of skim milk and butterfat according to the form in which, or the purpose for which, such skim milk and butterfat was used or disposed of as either Class I milk or Class II milk.

Milk is disposed of in the market in a wide variety of forms containing different proportions of skim milk and butterfat, which may vary greatly from that contained in milk as it is first received from dairy farmers. There is a substantial difference between the market value of a pound of fluid skim milk and a pound of butterfat for use in a given class of utilization. Different handlers use different proportions of skim milk and butterfat within a given class and as between classes. A system of accounting for skim milk and butterfat separately, therefore, is desirable to provide uniform pricing of milk to handlers in accordance with the use of its component parts of skim milk and butterfat and for returning to producers a price in accordance with their use.

Milk and milk products are received at pool plants not only from producers but also from other handlers and nonpool sources. Milk from all such sources are commingled in the handler's plant. It is necessary to classify the skim milk and butterfat in all receipts of milk and milk products as a basis for determining the classification of producer milk to apply the classified pricing plan.

The extra cost incurred by producers in producing quality milk and delivering it to the market necessitates a price for milk for fluid consumption higher than the price of milk used in manufactured products. Milk for fluid distribution should be classified separately and priced at this higher level to provide the necessary incentive to producers through the uniform price to encourage the production and delivery of milk needed for such use plus the necessary reserve to cover daily, weekly and even monthly fluctuations in sales by handlers.

Class I milk should be defined to include all butterfat and skim milk (including the skim milk used to produce concentrated milk, reconstituted or fortified milk, skim milk and milk products) disposed of in the form of a fluid milk product for human consumption and any other skim milk and butterfat not specifically accounted for by the handler as Class II milk.

The term "fluid milk product" should be defined to include the fluid form of milk, skim milk, buttermilk, milk drinks (plain or flavored, including prepared milk shake mixes and eggnog), cream (including sterilized cream), and any mixture of milk, skim milk or cream (except storage cream, aerated cream products, ice cream mix, evaporated or condensed milk and sterilized products

packaged in hermetically-sealed metal containers). The products included in Class I milk are disposed of to consumers in fluid form and for the most part are required by the health authorities in the marketing area to be made from milk or milk products from approved sources for Grade A milk.

Fluid milk products such as skim milk drinks to which extra solids have been added or concentrated whole milk disposed of for fluid use, would be included under the Class I milk definition. Products such as evaporated or condensed milk packaged in hermetically sealed cans would not be considered as concentrated milk.

Milk which is in excess of Class I uses at any time must be manufactured by the handler or disposed of to other plants for processing into manufactured products. These products are less perishable than fluid milk products and they must compete in the market place with similar products made from unapproved milk. Milk so used should be classified as Class II milk and priced according to its value for use in such products.

Class II milk should be defined to include all skim milk and butterfat used to produce manufactured dairy products, in inventory of fluid milk products, disposed of for livestock feed and shrinkage and skim milk which is dumped. Class II would include the skim milk and butterfat used to produce such products as butter, cheese, (including cottage cheese), dried milk and skim milk, aerated cream products, ice cream, ice cream mix, other frozen desserts and mixes, evaporated or condensed milk, and sterilized products packaged in hermetically sealed metal containers. Cream placed in storage and frozen should be Class II milk because such cream is used primarily for ice cream and other manufactured products. Frozen cream removed from storage and other Class II products from any source, including those produced at the plant, which are repackaged, reprocessed and converted to another product in the plant during the month, would be considered as a receipt of other source milk during such month and assigned first to Class II milk under the allocation procedures hereinafter recommended.

Limited quantities of excess skim milk and certain fluid milk products, such as route returns, may need to be disposed of by handlers as livestock feed. Disposition for livestock feed as Class II milk affords a means of disposal of such products which may not be profitably utilized or disposed of for any other purpose. It is sometimes necessary, also, to dispose of small volumes of skim milk by dumping. Such skim milk should be classified as Class II milk if the handler notifies the market administrator, in advance, as prescribed by him, of the amount to be dumped, to afford him reasonable time to check such amount prior to dumping. No provision should be made for classifying as Class II milk, butterfat which may be dumped. Butterfat in the form of cream can be accumulated and stored to make possible efficient manufacture or movement to manufacturing outlets.

Because plant loss represents a disappearance of milk for which the handler must account but for which no direct return is realized by the handler, shrinkage should be considered as Class II milk to the extent that the amount is reasonable and is not the result of incomplete or faulty records.

A maximum shrinkage allowance of one-half percent of the total volume of milk physically received from producers at each pool plant should be provided with an additional allowance of one-and-one-half percent to the pool plant which processes such milk. Experience in this market and other markets shows that plants which are operated in a reasonably efficient manner and for which accurate records are maintained will not have total plant loss in excess of the maximums provided. Any shrinkage shown by plants in excess of these respective maximums should be classified as Class I milk. This is reasonable and necessary to strengthen the classified pricing plan and will tend to encourage maintenance of adequate records and efficient handling of producer milk.

In order to determine the amount of shrinkage associated with the handling of producer milk and recognize the different functions performed by pool plants, a scheme for the proration of shrinkage is necessary. Provision should be made, therefore, to prorate gross shrinkage at pool plants among milk physically received from producers, net receipts from other pool plants and other source milk.

Relatively limited shrinkage is normally associated in handling other source milk which is not received in the form of fluid milk products in bulk. To prorate shrinkage on the basis of total other source milk which would include all manufactured products that are reprocessed in the plant during the month would associate an unreasonable proportion of the shrinkage with other source milk, particularly when the skim equivalent basis of accounting is followed. Skim milk and butterfat in manufactured products are accounted for on a used-to-produce basis and any processing loss involved is included in the amount of skim milk and butterfat reported as used. The proration of shrinkage to other source milk, therefore, should be on the basis of such milk received in the form of fluid milk products in bulk.

To prevent duplication in shrinkage allocated to interpool plant movements of milk, the proration of shrinkage must be based on the amount received in excess of the amount transferred to other pool plants. The allowance on milk diverted between pool plants should accrue to the pool plant to which the milk is diverted and physically received. Similarly, no shrinkage should be allowed on producer milk diverted to nonpool plants. On milk received at a pool plant and transferred in bulk to another plant the transferring plant should be permitted up to the one-half percent maximum receiving allowance on such milk.

The accounting for skim milk in manufactured products should be based on the pounds of fluid skim milk required to produce such products. The skim milk

and butterfat content in most products received and disposed of by handlers can be determined through recognized testing procedures. Some products received in the form of condensed and other more concentrated products represent a more difficult problem in that some of the water contained in the milk has been removed. In products manufactured in a pool plant the respective amounts of skim milk and butterfat represented by these products can be ascertained through appropriate plant records. In the absence of adequate records, and for products received from other plants, the amount of skim milk and butterfat represented therein should be determined by the use of standard conversion factors.

Condensed solids or nonfat dry milk may be used for reconstituting certain fluid milk products or to fortify skim milk drinks. Such solids are required by the health regulations to be made from Grade A milk and should be classified as Class I milk when disposed of in a fluid milk product the same as all other skim milk in Class I products. There is no sound reason why one portion of the nonfat solids contained in Class I products should be classified differently from another portion in this market. The pounds of skim milk disposed of in any reconstituted or fortified fluid milk product, therefore, should be accounted for as an amount equal to the nonfat milk solids contained in such product plus the water content normally associated with such solids in the form of whole milk. To promote uniformity in the cost of milk among handlers and to effectuate the allocation of current receipts of producer milk to Class I utilization to the fullest extent, the skim milk in all other source milk, therefore, must be accounted for on the fluid skim equivalent basis.

Butterfat and skim milk used to produce manufactured products should be considered to be disposed of when so used and the sale of such products, therefore, need not be included on monthly reports of receipt and utilization. Handlers will need to maintain stock records on such products, however, to permit audit of their monthly utilization records by the market administrator. Class II products from any source used in the plant during the month must be reported as a receipt of other source milk. This will maintain priority of assignment of current receipts of producer milk to Class I utilization.

Each handler must be held responsible for a full accounting of all his receipts of skim milk or butterfat in any form. A handler who first receives milk from producers should be responsible for establishing the classification of and making payment for such milk. Fixing responsibilities in this manner is necessary to effectively administer the provisions of the order.

Except for such limited quantities of shrinkage, which under certain conditions (as already described) may be classified in Class II, all skim milk and butterfat which is received and for which the handler cannot establish utilization should be classified as Class I milk. This provision is necessary to remove any ad-

vantage to handlers who fail to keep complete and accurate records and to assure that producers receive full value for their milk. Accordingly, the burden of proof should be on the handler to establish the utilization of any milk as other than Class I.

Transfers. Except for certain specified Class II uses, skim milk and butterfat in the form of a fluid milk product should be classified as Class I milk when so disposed of from the pool plant. Some fluid milk products, however, may be disposed of to other plants for Class II use. Under certain circumstances, therefore, classification may and should be determined according to the utilization in the plant to which transferred.

Fluid milk products transferred or diverted by a handler from a pool plant to another pool plant should be classified as Class I milk unless utilization as Class II milk is claimed for both plants on the handler reports submitted for the month to the market administrator. Sufficient Class II utilization must be available at the transferee-plant, however, for such assignment after prior allocation of shrinkage and other source milk. Moreover, if other source milk had been received at the transferring plant during the month, the skim milk and butterfat should be classified at both plants so as to allocate the greatest possible Class I utilization to the producer milk at both plants.

Fluid milk products transferred or diverted from a pool plant to producer-handlers should be Class I because the milk is presumed, by the nature of their operations, to be needed for fluid disposition. Provision should be made for any milk received at a pool plant from a farm or plant of a producer-handler to be considered as other source milk at the pool plant. Without these provisions, producer-handlers could depend, unjustly, on producers under the order to carry the necessary reserve supply associated with their Class I sales without sharing such disposition with producers.

Milk, skim milk or cream transferred or diverted from a pool plant to a nonpool plant located less than 250 airline miles from the Courthouse in Evansville or Owensboro should be classified as Class I milk unless the following conditions are met:

(1) The handler reports such milk as Class II, (2) The operator of the nonpool plant maintains and makes available, as requested by the market administrator, his books and records for verification of Class II utilization, and (3) the Class I milk (as defined in the order) disposed of from the receiving nonpool plant does not exceed the receipts of skim milk and butterfat in milk received during the month from dairy farmers approved to supply Grade A milk and who are regularly associated with such plant.

If Class I milk disposed of from the nonpool plant exceeds the receipts of skim milk and butterfat from the dairy farmers regularly supplying such plant, provision should be made to classify as Class I an amount of the transferred or diverted milk equivalent to such difference. Such Class I sales, however, should not be used as a basis for duplicating the Class I classification of milk transferred

to a nonpool plant from other plants regulated by this and other Federal orders. It is reasonable, therefore, that the amount of milk transferred to such plant and classified as Class I milk from any regulated market be not less than the market's pro rata share of the remaining Class I sales in such nonpool plant. The proposed method of classification and pro ration of Class I sales provide equality of treatment among handlers under the Ohio Valley order and also other orders in case of transfers to a common nonpool plant.

Fluid milk products transferred to nonpool plants located more than 250 airline miles from Evansville or Owensboro should be Class I milk. Fluid milk products moving such distances are normally for Class I uses. Adequate manufacturing facilities are available and the Ohio Valley handlers normally dispose of reserve milk to manufacturing plants located within a 250 miles radius. The market administrator should be able to make the necessary verification of milk disposed of to nonpool plants within the area without incurring undue expense. It would not be administratively feasible or economically justifiable, however, for the market administrator to be required to verify shipments to nonpool plants beyond this area. The automatic classification as Class I milk will preclude the necessity for such verification.

The recommended method of classifying transfers and diversions of milk to nonpool plants would safeguard the primary function of such provisions in promoting an orderly disposal of reserve supplies, and at the same time assure that milk transferred to nonpool plants is classified in accordance with its utilization. This would provide a degree of protection to the market during periods of short supply which might be caused by withdrawal of milk. Any price incentive would be removed for pool plants to supply milk at less than order Class I prices to nonpool plants for fluid disposition in other markets.

Allocation. The order class prices apply only to producer milk. It is necessary, therefore, if a plant has butterfat or skim milk other than that received from producers, to determine the amount in each class to be assigned to producer milk.

Producer milk is the primary and regularly available supply for fluid consumption in the marketing area. Current receipts of producer milk should be given priority over unpriced milk from other sources in the assignment of Class I utilization at regulated plants. This is necessary to insure stability of the market and for effective application of the classified pricing program of the order. If the order permitted handlers to obtain unpriced other source milk for Class I uses whenever it was advantageous to do so while producer milk in the plant was utilized as Class II, the market would be deprived of a dependable supply of milk and the order would not be effective in carrying out the purpose of the Act.

In general the allocation procedure, set forth in the order to carry out this objective, requires that skim milk and butterfat, respectively, remaining in

each pool plant during each month be assigned to producer milk by making the following deductions from gross utilization starting with Class II milk, except as otherwise noted:

- (1) Class II shrinkage of producer milk;
- (2) Fluid milk products in consumer packages subject to Class I pricing under another order (from Class I);
- (3) Other source milk not subject to Class I pricing provisions of another order;
- (4) Other source milk in bulk subject to Class I pricing provisions of another order;
- (5) Receipts from other handlers (according to classification);
- (6) Beginning inventory;
- (7) Add shrinkage deducted in (1); and
- (8) Overage.

Other source milk which is not subject to the Class I pricing provisions of another order is allocated separately to facilitate the application of the compensatory payment provisions of the order. Provision is made to allocate from Class I milk, fluid milk products received in consumer packages if such milk were subject to the Class I pricing provisions of another order. This will have the effect of giving equal consideration to the packaged milk moved from a plant under another order whether such milk is distributed directly to consumers in the marketing area from such plant, as is the case in this market, or is delivered through a pool plant.

For accounting purposes ending inventory of fluid milk products is classified as Class II milk. Beginning inventory of such products is considered as a receipt and therefore must be subtracted in the allocation procedure. This is done following the subtraction of transfers from other pool plants so as not to interfere with the mechanics of classifying such transfers and to facilitate the reclassification of inventory which may be assigned to Class I milk during the month.

(c) **Class prices—Class I price.** The price for Class I milk in the Ohio Valley marketing area should be computed by adding a differential of \$1.30 per hundredweight to a basic formula price for milk containing four percent butterfat for the first 18 months following the effective date of the pricing provisions of the order and thereafter by adding a differential of \$1.25.

The method of adding a differential to a basic formula price in determining the Class I price is necessary to give appropriate consideration to the national economic factors underlying changes in the general level of prices for milk and manufactured dairy products. Prices for milk used for fluid purposes in the Ohio Valley marketing area have a direct relationship to the prices paid for milk used for manufacturing purposes. Since the market for most manufactured products is nationwide, the prices of these products reflect general economic conditions affecting the supply and demand for milk. For these reasons, differentials over basic, or manufacturing, prices should be used to establish fluid milk prices in this market. The basic

price formula recommended herein, which is similar to that contained in Louisville, Paducah and other midwestern orders, will result in prices which appropriately reflect general changes in the value of manufacturing milk throughout this area.

Differentials over manufacturing prices are necessary to cover the extra costs of meeting quality requirements in the production of market milk and transportation costs to the fluid market, and to furnish the necessary incentive for dairy farmers to produce and deliver an adequate supply of quality milk to meet the demand for fluid consumption.

Class I prices should be established at a level which, in conjunction with the Class II prices hereinafter concluded to be appropriate, will result in returns to producers high enough to maintain an adequate, but no excessive, supply of quality milk to meet the requirements of consumers in the marketing area, including the necessary reserves. Class I prices must also be in alignment with those prevailing in other nearby regulated markets and should not be at levels which exceed the cost of obtaining milk of acceptable quality and regular availability from alternative sources.

Although comparable data in the record pertain only to receipts and sales of Evansville-Owensboro handlers, such receipts and sales make up a substantial portion of the total and reflect trends in the full marketing area. The supply-demand relationships in the Ohio Valley area during the latter part of 1957 and the nine month period in 1958 preceding the hearing are similar to those which have prevailed in most of the fluid milk markets in the region. In general, since August 1957, receipts of milk from dairy farmers have tended to decline and Class I sales to increase. The number of dairy farmers supplying fluid milk has declined and the daily average production per farm has remained about the same.

Receipts from dairy farmers averaged 137 percent of Class I sales during the twelve month period September 1956 through August 1957 and were 119 percent of Class I sales during October, the month of shortest supply. Receipts from dairy farmers in relation to Class I sales declined to an average of 123 percent during the September 1957-August 1958 period and averaged 113 percent during November, the month of shortest supply.

Daily average production per dairy farmer remained at an average of 360 pounds during these same two periods. Total receipts from dairy farmers were 110.5 million pounds in the September-August 1956-57 period compared with 103.2 million pounds in the same months of 1957-58. Total Class I sales during September-August, 1956-57 were 80.8 million pounds and increased to 83.5 million pounds during the September-August period 1957-58.

Producers proposed that the Class I price be determined by adding a differential of \$1.50 per hundredweight to the basic formula price for 4.0 percent milk. Some handlers proposed a uniform monthly differential of \$1.25 while others proposed seasonal differentials with

an annual level of \$1.25 per hundredweight.

A differential of \$1.50 would result in a level of prices relatively higher than has prevailed in the past. It would not result in prices in line with the level of prices established under nearby Federal orders or in line with the cost of milk available from alternative sources.

Under the Ohio Valley Milk Producers Association's marketing agreement with the Evansville-Owensboro handlers the price for Class I milk of 4.0 percent butterfat content has been computed by adding a differential of \$1.25 per hundredweight to a basic formula price similar to that proposed herein. The agreement price has been adjusted from time to time by negotiation between producers and handlers. The prices actually paid by Evansville-Owensboro handlers for Class I milk during 1957 and the first nine months of 1958 averaged \$4.84 and \$4.83, respectively. These prices are equivalent to a differential over the recommended basic formula price of \$1.25 in 1957; \$1.37 for the first nine months of 1958; and \$1.30 for the full twenty-one month period.

The annual average Class I differential under the nearby Paducah, Kentucky order is \$1.30, and in Louisville and Nashville the differential is \$1.25. These differentials are for 3.5 percent butterfat content milk in Paducah, for 3.8 milk in Louisville, and for 4.0 percent milk in Nashville. The differential in Nashville is adjusted by a supply-demand adjuster based on receipts and sales in that market. No provision is made for automatic supply-demand adjustments in the Louisville and Paducah orders.

The Chicago milkshed represents a dependable source for reserve supplies of milk and historically has served as a supply source to this as well as to other fluid milk markets throughout the country. Shawano, Wisconsin is representative point in the Chicago milkshed from which comparative prices may be computed.

The Ohio Valley Class I price as proposed herein for 4.0 percent milk (excluding any handling charges), adjusted to Shawano at the rate of location adjustment hereinafter determined to be appropriate for this market, is computed to be in close alignment with the Chicago Class I price for 4.0 percent milk (excluding supply-demand adjustment), also adjusted to Shawano, during the 21-month period, January 1957 to October 1958.

From the above stated facts it is concluded that a differential of \$1.30 over basic formula prices for the 18 months immediately following the effective date of the Class I price section, and \$1.25 thereafter, would reflect a level of Class I prices contemplated by the Act as necessary to insure this market with an adequate supply of producer milk. The immediately effective differential would reflect current supply-demand conditions in this market, and the automatic reduction in the Class I differential at the end of the 18 month period will recognize the need, over the longer term, for a close alignment of Class I prices in this market with those in the Louisville mar-

ket. In addition, the application of the \$1.30 differential for the first 18 months will provide experience and the opportunity to accumulate marketwide information necessary for the appraisal of the Class I price in light of local supply-demand conditions and to make any changes that might be necessary in light of such experience. Class I prices as proposed herein would result in a level of Class I prices in reasonable alignment with Class I prices in neighboring Federal order markets from which competition is experienced at the retail level. These differentials will result in Class I prices in line with the cost of obtaining a dependable supply of milk from alternative sources of supply.

Seasonal pricing of Class I milk should not be adopted in this market. Although seasonal pricing is used in the Nashville and Paducah markets and handlers from these markets compete with handlers under the proposed order for sales outside the proposed marketing area, the primary competition with regulated milk in the Ohio Valley marketing area is from the Louisville market where the Class I differential is the same each month. The Ohio Valley Milk Producers Association has not used seasonal pricing of Class I milk in conjunction with its base-rating plan which has been in effect for several years. The association has maintained an extensive educational program to promote producer acceptance and effective operation of the base-rating plan. In light of these facts the use of seasonal pricing along with a base-rating plan, as recommended hereinafter, is not appropriate at this time.

Class II price. The price per hundredweight for Class II milk of four percent butterfat content should be the basic formula price during the months of September through February and the average of prices paid at five local Kentucky and Indiana manufacturing plants plus 20 cents during each of the months of March through August.

The Ohio Valley Milk Producers Association proposed that the price for Class II milk be the average of prices paid the previous month for milk for manufacturing purposes f.o.b. plants in the United States, as reported by the Department, adjusted to a four percent butterfat content basis, plus 10 cents per hundredweight and that such price be reduced 20 cents per hundredweight, for milk used to produce butter, skim milk powder and cheddar cheese during the months of March through August. Another producer group supported this proposal but also proposed that the Class II price be not less than the average of prices paid at local manufacturing plants plus 20 cents per hundredweight. Evansville-Owensboro handlers proposed that the price for Class II milk be the average of prices paid per hundredweight at local Kentucky, Indiana and Tennessee manufacturing plants plus 20 cents per hundredweight. This proposal is identical with the Class II pricing formula used in this market for several years under the Ohio Valley Milk Producers Association's marketing agreement. Other handlers did not oppose the proposals made by producers.

Some milk in excess of Class I requirements is necessary to maintain an adequate supply of fluid milk for the market on an annual basis. The Class II price for excess milk should be maintained at the highest level consistent with facilitating its use in manufactured products by pool plants or its movement to manufacturing outlets when not needed in the market. The Class II price should be at such a level that handlers, including cooperative associations, will accept and market whatever quantities of milk in excess of Class I needs as may arise from time to time. The price, however, should not be so low that handlers will be encouraged to procure milk supplies solely for the purpose of converting them into Class II products.

The historical pattern of the supply of milk from producers in relation to Class I sales shows that it will be necessary for handlers, and for the most part cooperatives, to dispose of reserve milk for manufacturing purposes to nonpool plants only during the season of highest production. Such season has normally included the months of April through July but sometimes includes the months of March and August.

During the months of September through February the supply of milk from producers in excess of the market's Class I needs has approximated, and at times has been less than, the minimum requirements of a necessary reserve. Handlers will be able to use, as they have in the past, most if not all the reserve milk during these months primarily in the manufacture of ice cream and cottage cheese for which they have historically used and preferred Grade A milk. There will be little, if any, need for handlers to dispose of reserve milk to local manufacturing outlets during such months. Thus, the Class II price during September through February should be at the highest possible level consistent with competitive conditions and marketwide pooling, and at the same time provide producers with proper incentive through the uniform price to supply the necessary market reserve. The basic formula price which has been found herein to properly reflect the national value of milk used to produce manufactured dairy products, will most appropriately reflect the value of Class II milk in this market during the September through February period. Had the basic formula price been the effective Class II price during such months in 1956, 1957 and in January and February 1958, it would have averaged \$3.59, \$3.61 and \$3.60 per hundredweight, respectively, for 4.0 percent milk. The basic formula price will provide appropriate alignment with prices for reserve milk in similar uses in the Louisville market with which this market is closely related. The Class II (principally cottage cheese and ice cream) price under the Louisville order during these same periods averaged \$3.53, \$3.67 and \$3.64, respectively, for 4.0 percent milk.

Handlers operating pool plants are not equipped to make dried or evaporated milk, cheese and other manufactured products which are the principal outlets for milk in excess of the necessary re-

serve supply. During the flush production season (March through August) it is necessary, therefore, for handlers to dispose of excess reserve milk to local manufacturing outlets. During such periods the Class II price should be equivalent to the prices paid by such manufacturing outlets. All local manufacturing plants have paid, for the past several years, "cooler premiums" of 15 cents per hundredweight over their announced prices for milk received from dairy farmers. In addition, most of such plants have paid other premiums for volume and other purposes in varying amounts. Consequently, a differential of 20 cents per hundredweight above the announced prices (not including premiums) at local manufacturing outlets will more nearly reflect the competitive value of manufacturing milk at this season of the year.

If the Class II price had been effective during March through August 1956, 1957 and 1958 such price would have averaged \$3.26, \$3.24 and \$3.20, respectively. The proposal of producers to price milk used in butter, powder and cheese during the flush period would have averaged \$3.23, \$3.30 and \$3.20 during the same periods.

Under the association's marketing agreement the average of prices paid at manufacturing plants in Kentucky, Indiana and Tennessee have been used as a basis for pricing Class II milk. Such prices have been identical with those paid at the five local manufacturing plants during the past few years. It is not necessary, therefore, to use prices paid at Tennessee plants in determining the Class II price. Furthermore, if differences develop between the prices paid by such plants in the future, the selected plants will be more reflective of local competitive prices in this market than a combination of plants from all three states.

Butterfat differentials. Butterfat and skim milk are to be accounted for separately for classification purposes. Class I and Class II prices are to be announced for 4.0 butterfat content milk. It will be necessary, therefore, to adjust class prices by a butterfat differential in accordance with the average test of milk in each class to reflect differences in value due to variations in butterfat content from 4.0 percent.

The values resulting from multiplying the average price of 92-score butter at Chicago by 0.125 for Class I milk and by 0.120 for Class II milk will provide an appropriate basis for adjusting such prices in this market for each one-tenth variation in butterfat content. Butter prices should be used to reflect changes in the central market prices of butterfat in the differential and to conform with the practice followed in most fluid milk markets for adjusting prices for butterfat variations.

The Ohio Valley Milk Producers Association's contract with handlers provides for identical Class I and Class II differentials at 0.12 times the butter price. A differential factor of 0.125 for Class I, however, will establish a more realistic relationship between class prices for butterfat and a value for milk used for cream and other higher fat content products more in line with competitive

values. It will be identical with the differentials in the nearby Louisville and Paducah orders and will promote close Class I price alignment for skim milk and butterfat between Federal order markets in this region.

In order that the Class I butterfat differential may be announced at the same time the Class I price is announced, it should be based on the price of butter for the preceding month. Class II prices and butterfat differentials should be based on current paying prices and announced after the end of each month. Handlers will know, however, that the cost of Class II milk will tend to follow daily or weekly product prices during the month and that their cost of milk will be the same as their competitors and in line with prices paid by purchasers of milk in manufacturing outlets.

The butterfat differentials used in making payments to producers should be calculated at the average of the Class I and Class II differentials weighted by the proportion of butterfat in producer milk classified in each class each month to reflect changes in the actual usage of such butterfat in each class.

Location differentials. A schedule of location differentials should be provided to adjust Class I prices to the location of the plant from which milk is moved to the marketing area.

Milk at farms or at plants has a progressively lower value with respect to the Ohio Valley market as such farms or plants are located farther away from the market. This difference in value is related to the cost of transporting the milk from the respective locations to the market. The order should contain appropriate provisions to recognize such differences in value according to the location of the plant where the milk is received. Such a provision is necessary to provide a cost of milk among plants and returns for milk among producers in accordance with its economic value to the market. This should be accomplished by a schedule of location adjustments applying at plants in accordance with their location in relation to the two principal centers of consumption in the marketing area—Evansville or Owensboro, whichever is nearer.

To be equitable to all handlers, the minimum Class I price to be paid for producer milk should not be dependent upon the type of plant receiving the milk. To the extent that milk is received at distant plants from producers and brought to the marketing area by a handler, the handler has assumed a transportation cost which might otherwise be borne by producers. Accordingly, the Class I price should be adjusted downward at such plants to reflect the cost of hauling milk to the marketing area.

It is economically more feasible to supply the fluid milk needs of the market from those farms or plants nearest the market before bringing in milk from more distant plants. Location adjustments at supply plants should apply, therefore, to that milk moved to a pool plant in the form of a fluid milk product which is assignable to Class I milk after first assigning to the available Class I

in the plant to which the milk is moved, direct receipts from producers and receipts of fluid milk products from other pool plants at which no adjustment applies. The location adjustment provisions should apply also to milk disposed of as Class I milk from distant distributing plants. Such application of location adjustments would recognize the functional relationship of supply plants to the market and price Class I milk at all plants in relation to its value for consumption in the marketing area.

No location adjustments should apply at plants located less than 80 miles from the basing points. This area will encompass all the territory within the proposed marketing area. It will provide uniform Class I prices at all plants which would be subject to full regulation. Milk can be moved most efficiently directly from the farm to distributing plants within this area. Under the conditions existing in this market, there is no need to provide a location adjustment at plants at different locations within the confines of this area.

A location differential rate of 1.5 cents for each 10 miles should be used for adjusting Class I prices. This rate approximates the cost of moving milk to the marketing area from distant points by efficient means and conforms closely to the rates applied under other Federal orders. Provision should be made, therefore, for plants located 80 but less than 90 miles from the nearest of the basing points to receive a differential of 13 cents per hundredweight and for each additional 10 miles that the plant is located from the nearest basing point, the amount should be increased 1.5 cents per hundredweight.

No location adjustments should be allowed to plants on Class II milk. Because of the low cost per hundredweight of milk involved in transporting concentrated finished products, there is little difference in the value of milk for manufactured uses associated with the location of the plant receiving the milk.

Payments on unpriced milk. The order should provide for payments to the producer-settlement fund with respect to unpriced milk which is allocated to Class I at a pool plant and for similar payments by partially regulated nonpool plants on Class I sales in the marketing area.

The rate of payment on such milk should be equal to the difference between the Class I and Class II price during the months of April through July and the difference between the Class I price and the uniform price during the months of August through March.

Basically, all other source milk which might be utilized for Class I milk in the marketing area would be produced as part of a supply intended primarily to meet the demand for milk for fluid consumption in some area other than the Ohio Valley marketing area or produced for manufacturing outlets but not used for such purposes in the area for which it was produced. If part of the regular supply of another fluid market, it could be only milk in excess of the amount needed for fluid disposition in such market.

If unregulated plant operators were allowed to dispose of surplus milk in the regulated marketing area, either through pool plants or directly to consumers, without some compensating or neutralizing provision in the order, the disposition of such milk, because of its price advantage relative to fully regulated milk, would displace the fully regulated milk in Class I uses in the marketing area. The plan of Congress as contemplated under the Agricultural Marketing Agreement Act of 1937, as amended, of returning a reasonable level of prices to the producers of milk for the regulated marketing area would be defeated. Inefficiency in the marketing of milk would be encouraged because there would be incentive for the regulated handlers to obtain milk for Class I uses not from the regular and normal sources of supply but from sources of supply generated solely as a result of the price advantage created for unregulated milk by the regulation itself. Providing for some method of compensating for, or neutralizing the effect of, the advantage created for unregulated milk is therefore a necessary provision of this order.

There may be other situations in which plant operators may find it economical or desirable to make shipments of small quantities of milk to the marketing area, and yet it would be neither necessary nor desirable in terms of effective regulation to bring the plants fully under regulation. This may be true with respect to shipments of milk to pool plants for the purpose of converting it into manufactured products. Also, milk may be disposed of in the regulated marketing area as Class I milk from plants which are not primarily or even regularly engaged in supplying the marketing area. If relatively small, incidental or accidental shipments of milk into the marketing area would bring under total regulation all the milk at the plant from which such shipments are made, undue hardship might result to the operator of such plant and for the farmers delivering the milk involved. Compensatory payments are necessary to provide a means by which full regulation of the handling of milk at such plants may be avoided and, at the same time, maintain the integrity of classified pricing and marketwide equalization which are necessary to insure orderly marketing in this area.

When milk is available in substantial volumes from nonpool sources, pool plants could obtain such milk at prices reflecting its value as surplus milk which would approximate the Class II price under the order. During the seasonally high production months of April through July, therefore, the rate of payment on other source milk allocated to Class I should be the difference between the Class II price and the Class I price adjusted (by the same rate as is applied at pool plants) to the location of the plant from which such other source milk was received from farmers. This rate of payment will reflect generally the difference in value between unregulated and regulated milk for Class I use at this time of the year. During the months of August through March, the milk supplies in this region tend to be

shorter than other months. It is not likely that other source fluid milk products will be available to the market at surplus prices. It reasonably may be expected that during such months such milk would be available from unregulated sources at prices not less than the level of the uniform price under the order. Compensation payments during these months, therefore, should be the difference between the uniform price to producers and the Class I price, adjusted to the location of the plant from which such fluid milk products are supplied. The relationship between the supply and demand for milk in the market in the August through March period tends to fluctuate from year to year according to marketing conditions. These conditions will generally prevail also in surrounding markets which are potential sources of supply for unpriced milk. Thus, the rate of compensation payment based on the difference between Class I and uniform prices will adjust itself automatically in these months in accordance with the relationship of Class I milk to the total milk pooled. This will tend to reflect conditions in the area from which unpriced milk may be obtained. The rates herein proposed are those which will best effectuate the Act under current marketing conditions in this area.

Other source milk used in the form of concentrated milk products should be considered to be from a source at the location of the plant where it is used. In some cases there will be no, and in all cases insignificant, transportation charges in terms of their equivalent in fluid milk. By following this procedure, the compensation payment on other source milk derived from concentrated products, such as, condensed milk or nonfat dry milk, would be comparable to that on any other source milk which is allocated to Class I milk.

The integrity of the regulation can be maintained by providing an alternative method of determining compensatory payments at a distributing plant which has sales of fluid milk products in the marketing area but which fails to qualify as a pool plant. Subject to proper reporting and the maintenance of adequate records, the operator of such plant should be given an opportunity to choose between payment into the producer-settlement fund of: (1) An amount equal to the volume of Class I milk disposed of in the marketing area at the same rates as apply to unpriced milk allocated to Class I at pool plants, or (2) the amount by which total payments to dairy farmers for such plant are less than the total amount of the plant's obligation to producers if such obligation is computed as if such plant were a pool plant.

If the partially regulated handler elects to make payments under the first option, the regulation would be protected in the same manner and to the same extent as is provided with respect to compensatory payments on other source milk at pool plants. If the handler chooses to pay the full utilization value of his milk either directly to his own farmers or by combination of payments to his farmers and to the producer-settlement fund, he will not have any advantage in terms of

the minimum order class prices on his sales of Class I milk in the marketing area. His total minimum obligation for milk will be determined in exactly the same manner as if he were a fully regulated handler.

Affording this last option to partially regulated nonpool plants will adequately protect the regulatory plan in this market. None of the operators to which this option may apply regularly obtain milk for such plants from dairy farmers located in a supply area that overlaps to any significant extent the supply area of plants to be fully regulated under the order. The option to pay directly to dairy farmers who regularly supply such nonpool plants with milk at the full utilization value of such milk in accordance with the order, therefore, will not place the operators of pool plants at a competitive disadvantage in the procurement of their milk supply. Also, under the present organization of the market there will be no significant diversion of the revenue derived from the Class I sales in the marketing area to farmers only incidentally associated with the market at the expense of pool producers of milk for which minimum class prices are established and who are relied upon to produce an adequate and dependable supply of approved milk for the marketing area.

Under the second option, the operator of the nonpool plant would be required to file a complete report of receipts and utilization. From such reports, subject to audit, the value of his milk would be computed at the class prices, adjusted for location and butterfat content, in the same manner as for a pool plant. From this utilization value the market administrator would subtract the payments to the Grade A dairy farmers who constitute the regular supply of milk for the nonpool plant as verified from the producer payroll. Only such payments would be allowed as had been made to such farmers by the 18th day following the end of the month. The payment would be the gross amount paid to such farmers for milk at the nonpool plant. Bona fide deductions for supplies and services, such as hauling, would be allowed as authorized by the dairy farmer.

The assessment of administrative expense should depend upon which option is chosen by the nonpool distributor. If he elects to pay the difference between the class prices on his in-area sales he should be required to pay administrative expense only on such quantities of milk so disposed of in the marketing area. If he elects the payment based on the utilization value of his milk he should pay administrative expense on his entire receipts of milk from Grade A dairy farmers and any other receipts allocated to Class I milk the same as is required of pool plants. Obviously, the second option necessitates as much verification of the receipts and utilization by the market administrator as at a pool plant. Such verification might well include the checking of weights and butterfat tests of receipts from dairy farmers and products sold as well as a complete audit of the books and records for such plant.

No compensation payment should be required on milk classified and priced as Class I under another Federal milk marketing order. The minimum prices for Class I milk under other Federal orders where Ohio Valley order handlers might obtain supplemental supplies approximate or exceed the Ohio Valley Class I price when allowance is made for location of the supplying plants. Because handlers operating plants under other Federal orders must pay for producer milk on a utilization basis at prices determined in accordance with the same statutory standards of pricing as are employed here, they would not be in a position to dispose of their surplus producer milk in the Ohio Valley marketing area for Class I use to the disadvantage of local producers.

Handlers proposed that no compensatory payments be required on other source milk received at a pool plant during any month when receipts of producer milk are below 115 percent of Class I sales. Such a provision would not be to the best interest of the market because the way would be open for handlers to limit their purchases of producer milk and thereby bring about, over the longer term, an uneconomical procurement pattern for the market at the expense of local dairy farmers. Furthermore, the provision for applying the difference between the Class I price and the uniform price during the months of the year when supplemental supplies might be needed provides an adjustment in the compensatory payment rate in relation to the producer milk receipts and Class I sales ratio of the market. Thus, with producer milk receipts at a ratio of less than 115 percent of Class I sales, the compensation rate would be relatively small, or completely eliminated.

(d) *Distribution of proceeds to producers.* A marketwide equalization pool should be provided for distributing to producers the proceeds from the sale of their milk.

A marketwide pool should be adopted to assure each producer that he will receive prices for his milk based on his pro rata share of the Class I and Class II sales of the entire market. The "uniform", "base", and "excess" prices, as the case may be, that a producer is to be paid will depend on the overall utilization of all producer milk at all pool plants during each month.

The marketwide pool permits a handler to either maintain a manufacturing operation in his plant to handle the reserve supplies of milk or limit his operations primarily to the handling of milk for Class I purposes without affecting the uniform prices payable to his producers as compared with other producers. The facilities in the plants of Ohio Valley handlers for handling reserve supplies of producer milk vary considerably. Some of the handlers are equipped to handle their seasonal reserve supplies while others have extremely limited manufacturing facilities. Some pool plants are equipped to make cottage cheese, butter, bulk condensed skim and ice cream. None of the plants is equipped to make dried or evaporated

milk, cheese or other manufactured products which are the principal outlets for seasonal reserve supplies.

The Ohio Valley Milk Producers Association supplies Evansville-Owensboro handlers with their full requirements of fluid milk and handles any reserve supplies associated therewith not wanted by handlers. Such reserves are normally moved to manufacturing outlets through the association's Russellville, Kentucky receiving station. A marketwide pool will make it possible for the producers' associations to assist in handling or diverting seasonal reserve milk and retaining producers on the market who are needed to fulfill the year around market requirements. It assists in spreading the cost of carrying the necessary reserves for the market among all producers rather than by those producers associated with certain plants or certain producer associations which assume the responsibility of handling reserve supplies. The marketwide pool will contribute to efficient marketing of reserve supplies, promote market stability and assist in maintaining an adequate and dependable supply of producer milk.

Base and excess plan. The "base and excess plan" for distributing the returns for milk among producers should be employed in connection with the marketwide pool.

The base and excess method of distributing milk returns during the months of heaviest production has support among most of both producers and handlers in the Ohio Valley area. Base and excess plans have been used for a number of years by the Ohio Valley Milk Producers Association and the Western Kentucky Milk Producers Association, as well as by a number of handlers who do not purchase their milk from these associations.

Because of the seasonal variation in milk production, there is need for an incentive to maintain production in the fall and winter months relative to the spring and summer levels. By providing returns related directly to a producer's ability to deliver additional milk in the fall and winter as compared with deliveries during the season of flush production, a more even milk production pattern will be encouraged. Interruption in the use of a base plan at this time might result in increased seasonality of production to the detriment of the market.

The order should provide for each producer to establish a base dependent upon his deliveries of milk to pool plants during the months of September through February, the months during which producer receipts are relatively low in relation to Class I sales. During these months, as well as in all other months in the period of August through March, producers should receive the marketwide uniform price for all milk which they deliver to pool plants.

For each of the months of April through July, the months during which producer receipts are relatively high in relation to Class I sales, separate uniform prices for base and excess milk should be computed so that Class I sales

would be first assigned to base milk. "Base milk" should be defined as milk received at a pool plant from a producer during any of the months of April through July which is not in excess of an amount equal to the daily base of such producer multiplied by the number of days in such month. Producer milk classified in Class II should be assigned first to excess milk. If Class I disposition is more than the base milk received from producers in any month, such additional value of Class I milk should be allocated to excess milk and the excess blend price increased accordingly.

The daily base of each producer should be calculated by the market administrator by dividing the total pounds of milk received at all pool plants from such producer during the months of September through February by the number of days from the first day such milk was received during these months to the last day of February, inclusive, but not less than 120 days. A minimum of 120 days is reasonable to establish bases for new producers who may enter the market during the base-forming period. To provide a shorter period could weaken unduly the effectiveness of the plan. On or before March 15 of each year the market administrator should be required to notify each producer and the handler receiving milk from him of the daily base established by such producer.

It is necessary to provide certain rules in connection with the establishment and transfer of bases in order to provide reasonable administrative workability of the plan. Such rules should outline specifically the method for calculating the base for each producer and set forth clearly and unequivocally the procedure to be followed for transferring bases. It is desirable that the need for administrative discretion and restrictive conditions in connection with the application of base rules be kept at a minimum.

A producer who adjusts his production under the base and excess plan to even out seasonal variations may suffer undue financial loss if for some reason he is unable to avail himself of the benefit of the base earned by him. The producer associations proposed, therefore, that a base of a producer discontinuing production be transferable to a person to whom the herd is sold. In addition, because tenant-landlord arrangements in Kentucky usually are effective on January 1 of each year, during the base-forming period, proponents suggested that provision be made for tenants to either retain their proportionate share of a base or be able to transfer such base to another person who assumes ownership of the tenant's share of the cows. The assignment of bases in accordance with the ownership of the cows would create a number of administrative difficulties and would be impractical. The transfer of partial bases without restriction would unduly weaken the base plan and would be administratively burdensome. Producers did not favor a base-forming period terminating prior to January 1 as a means of accommodating the tenant-landlord problem because of precedent in this market and the substantial influence, under a relatively short base-forming period, of dis-

ruption in deliveries caused by accidental or unusual circumstances.

Provision should be made, therefore, for a producer to transfer his entire base to another person if such person assumes the ownership or operation of the farm on which the base is established. In the case of jointly held bases provision should be made for the transfer of the entire base to one of the joint holders or the transfer of a proportionate share of a jointly held base to another person if such latter person assumes the ownership or operation of the farm on which the base to be transferred was established. Under these proposed rules a tenant will be in a position to transfer his portion of a jointly held base to a new tenant who may assume the operation of a farm on which the jointly held base was established. Likewise, if the base is formed in the name of the tenant, such base may be taken with him to another farm. The tying of bases to the farm for the purpose of transfer is administratively feasible in this market and will provide a reasonable basis for accommodating persons retiring, entering military service, or dissolving partnerships and landlord-tenant arrangements.

The base plan should be safeguarded by precluding the duplication of the base credit that could result from the provisions for the transfer of bases and the establishment of a full base on a minimum of 120 of the 180 days in the base-forming period. When a base is transferred and is to be combined with a base held by the transferee, the total producer milk deliveries during the base-forming period of all persons in whose name such bases were earned, therefore, should be combined and the total milk deliveries of such persons to be divided by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of the base-forming period.

Similarly, if a producer ceases to deliver milk in his name during the base-forming period but milk is delivered to a pool plant from the same dairy production facilities during the remainder of such period, the base earned by both producers should be combined as set forth above.

The transfer of a base should be effective only on the first day of the month during which a request is received on forms approved by the market administrator and signed by the person transferring the base and the person to whom it is to be transferred.

The order may become effective after the start of the base-forming period. At some later time, plants may become associated with this market and qualify as pool plants after the start of the base-forming period. In order that the base plan will be effective for producers at all pool plants during the base-forming period, provision should be made for the assignment of a base to each producer at such plants entering the market in accordance with the rules applying to producers supplying plants which are pool plants during the entire base-forming period. The operator of such a plant, of course, must provide the market administrator with adequate records of de-

liveries of individual dairy farmers during the base-forming period for the calculation of bases.

In view of the almost universal use of the base plan in this area and the issuance of this recommended decision prior to the start of 1959 base-forming period, it is reasonable to expect that all plants that would be subject to full regulation will have satisfactory records of receipts from individual dairy farmers for the determination of bases to take effect with the effective date of the price provisions of the order.

The uniform prices, including base and excess prices, should be computed for milk of 4.0 percent butterfat. This is in accordance with current marketing practice in this area.

In distributing the proceeds to producers a differential should be applied, as previously discussed herein, to recognize different values of milk in accordance with its butterfat content.

Location differentials, heretofore discussed, should be applied to the price paid producers for base milk during the months of April through July and to the uniform price during other months. Since excess milk will represent producer milk classified principally in Class II milk, to which no location differential is applicable and which will be a price in line with the competitive price for manufacturing milk, the excess price should not be subject to a location differential.

Handler's obligation for producer milk and producer-settlement fund. Because producers will receive payment at the rate of the marketwide uniform price(s) each month and because the payment due from each handler at the applicable class prices may be more or less than he is required to pay directly to producers or cooperative associations, a producer-settlement fund should be established to equalize this difference.

The handler's total obligation to producers is determined by applying the class prices to producer milk at his pool plant(s) and adding the obligation, if any, of compensatory payments on other source milk and from the reclassification of beginning inventory (tentatively classified as Class II milk at the end of the preceding month) which is allocated to Class I milk for the month. The order should provide a method for the determination and reclassification of inventory from producer milk to result in a cost of such milk identical with the cost of current receipts of producer milk and a determination and reclassification cost of inventory from unpriced other source milk identical with the compensatory payments on current receipts of unpriced other source milk. The allocation of inventory to producer and other source milk in the attached order follows the same allocation procedure as is used to determine the classification of producer milk. No reclassification charge will result on inventory from milk which originates from a plant under another Federal order which is priced as Class I milk under such order.

Each handler whose obligation for producer milk is greater than the amount he is required to pay producers at the applicable uniform prices should pay the

difference into the producer-settlement fund and each handler whose obligation for producer milk is less than the applicable uniform price value should receive payment of the difference from this fund. For administrative convenience, payments due any handler should be offset by payments due from such handler.

Experience has shown that it is necessary for efficient functioning of the producer-settlement fund to set aside a reasonable reserve in such fund at the end of each month to cover minor audit adjustments, delayed payments or other contingencies. The reserve, which would be operated as a revolving fund and adjusted each month, is established in the attached order at not less than four or more than five cents per hundredweight of producer milk in the pool for the month.

As indicated elsewhere in this decision, compensatory payments received by the market administrator from any handler would be deposited in the producer-settlement fund. Such deposits would be included in the uniform price computation and thereby distributed to all producers.

If at any time the balance in the producer-settlement fund is insufficient to cover payments due from such fund to all handlers, payments to such handlers should be reduced uniformly per hundredweight of milk. Such handlers then should be permitted to reduce payments to producers by an equivalent amount. The remaining amounts due such handlers from the fund would be paid as soon as the balance in the fund becomes adequate to meet such payments, and handlers would then complete payments to producers. In order to reduce the possibility of this occurring, milk received by any handler who has not made the required payments into the fund should be omitted in the computation of the uniform prices in subsequent months until such handler has completed all delinquent payments.

Payment to producers. Each handler should be required to pay each producer for milk received from such producer and for which payment is not made to a cooperative association at not less than the applicable uniform price(s) on or before the 15th day after the end of each month. Since it has been the practice in this area for handlers to pay producers semi-monthly, provision should be made for partial payments to producers on or before the last day of each month for milk delivered during the first 15 days of such month at not less than the Class II price for the preceding month rounded to the next lowest dollar or half-dollar without adjustment for butterfat content, hauling and other deductions.

Provision should be made for a cooperative association to receive payment for the producer milk which it causes to be delivered to a pool plant. The taking of title to milk of its members and the blending of the proceeds from the sale of such milk, as is provided by the Act, will tend to promote the orderly marketing of milk. Cooperative associations will be assisted in discharging their responsibility to their members and to

the market. Such function can be accomplished more expeditiously if an association is collecting payments for the sale of its member's milk. Each handler, therefore, should be required, if requested in writing by a cooperative association which the market administrator determines is authorized to collect payment for its member milk and has furnished a written promise to reimburse the handler for any improper claims on the part of the cooperative, to pay such association an amount equal to the sum of the individual payments otherwise payable to such producers. Handlers should be required to make such payments to the cooperative association on or before the 25th day of the month for milk received during the first 15 days of the month and make the final settlement for milk received during the month on or before the 13th day of the following month.

Provision should be made for the handler, if authorized by the producer, to make bona fide deductions for goods or services furnished to, or for payments made on behalf of, the producer. At the time of final settlement for producer milk, the handler should be required to furnish to each producer a supporting statement showing the pounds and butterfat test of milk received from him, the rate(s) of payment for such milk and a description of any deductions claimed by the handler.

(e) *Other administrative provisions.* Certain other provisions are needed in the order to carry out the administrative steps necessary to accomplish the purposes of the proposed regulation.

(1) *Terms and definitions.* In addition to the definitions discussed earlier in this decision which define the scope of the regulation, certain other terms and definitions are desirable in the interest of brevity and to assure that each usage of the term implies the same meaning throughout the order.

(2) *Market administrator.* Provision is made for the appointment by the Secretary of a market administrator to administer the order and to describe the powers and duties essential to the proper functioning of his office.

(3) *Records and reports.* Provisions are included in the order which notify handlers that they are required to maintain adequate records of their operations and to make the reports necessary to establish the proper classification and pricing of producer milk and payments due producers for such milk. Time limits must be prescribed for filing such reports and for making payments to producers. Dates must be established for the announcement of prices by the market administrator.

Handlers should maintain and make available to the market administrator (a) all records and accounts of their operations, including financial records, and such facilities he may deem necessary to determine the accuracy of the information submitted by the handler, and (b) any other information upon which the classification of producer milk depends. The market administrator likewise must be permitted to check the accuracy of weights and tests of milk and milk prod-

ucts received and handled, and to verify all payments required under the order.

There may be instances in which a handler, wittingly or unwittingly, fails to report all receipts and/or sales of milk. In such cases, it is necessary for the market administrator to have access to the financial as well as other pertinent records as a means of discovering omissions or inaccuracies in accounting for milk under the order. Assuring proper accounting for milk is an important feature of an order; thus, it is essential that the market administrator have access to any and all records necessary for him to properly perform his duty and broad authority is granted, in this respect, under the Agricultural Marketing Agreement Act of 1937, as amended.

It is necessary that handlers retain records to prove the utilization of the milk received from producers and that proper payments were made therefor. Since the books of all handlers associated with the market cannot be audited immediately after the milk has been delivered to a plant, it is necessary that such records be kept for a reasonable period of time. The order should provide, however, for specific limitations of the time that handlers shall be required to retain their books and records and of the period of time in which obligations under the order should terminate. Provision made in this regard is identical in principle with the general amendment made to all milk orders in operation July 30, 1947, following the Secretary's decision of January 26, 1949 (14 F.R. 444). That decision, covering the retention of records and limitations of claims, is equally applicable in this situation and is adopted as a part of this decision.

Without a provision for termination of obligations after a reasonable period of time has elapsed, handlers may file claims which, because the period involved might extend back over many years, could be in substantial amounts. This creates uncertainties which would endanger the stability of the market and lead to serious inequities. The order should provide that any obligation to pay a handler shall terminate two years after the month in which the milk was received if an under-payment is claimed, or within two years after payment was made if a refund is claimed, unless within such period of time the handler files a petition, pursuant to section 8c(15) (A) of the Act, claiming such money. Handlers need also the protection of provisions terminating their obligations to make payments. Since handlers cannot be forewarned always as to contingent liabilities, it is extremely difficult and burdensome for them to make adequate provision therefor by setting up reserves or by taking other precautionary measures. Except under certain extraordinary conditions, such as litigation, the obligation of any handler to pay money should terminate two years after the day of the month during which the market administrator received the handler's report of utilization of the milk involved in such obligation, unless within such two-year period the market administrator notifies the handler in writing that such money is due and payable. It is concluded that, in general, a period of two years is a

reasonable time within which a market administrator should complete his auditing and inspection work and render any billings for money due under the order. Provisions are necessary also, as contained in the order included herewith, to meet such contingencies as failure of the handler to submit required books and records and to deal with situations where fraud or willful concealment of information may be involved.

If a handler fails to make the required reports or payments, his name should be publicly announced at the discretion of the market administrator. Such announcement is provided for by the Act, and it is concluded that its adoption will facilitate enforcement of the terms of the order.

(4) *Marketing services.* A provision should be made in the order for performance of marketing services for producers, such as verifying the tests and weights of producer milk and furnishing market information. These services should be provided by the market administrator and the cost should be borne by producers receiving the service. If a cooperative association is performing such services for its member producers, the market administrator will accept this in lieu of his own service.

Orderly marketing will be promoted through a marketing service program by assuring individual producers that payments received by them for their milk are in accordance with the pricing provisions of this order and accurately reflect the weights and tests of milk delivered. Complete verification requires that butterfat tests and weights of individual producers deliveries as reported by the handler are proved to be accurate.

Dissemination of current market information to all producers will promote efficiency in the production, utilization and marketing of milk and should be included in the order as an additional phase of the marketing service program.

A maximum deduction of 6 cents per hundredweight should enable the market administrator to perform the various marketing services for producers. This deduction will apply only to receipts of milk from producers for whom he renders marketing services. If experience indicates that marketing services can be performed at a lesser rate, provision is made for the Secretary to adjust the rate downward without the necessity of a hearing.

Any cooperative association of producers performing marketing services for its producer-members shall receive such deductions as the membership agreement authorizes in lieu of the six-cent maximum rate deducted from payments made to nonmember producers.

(5) *Expense of administration.* Each handler operating a pool plant should be required to pay the market administrator as his pro rata share of the cost of administering the order not more than four cents per hundredweight, or such lesser amount as the Secretary may prescribe, on (1) producer milk, and (2) other source milk which is classified as Class I, except other source milk subject to an expense of administration assessment under another Federal order. Handlers operating nonpool plants

should be assessed, depending on the option chosen pursuant to § 1024.75, on quantities of other source milk disposed of as Class I milk in the marketing area on routes or on the total receipts of Grade A milk from dairy farmers at the plant (not subject to administrative expense under another order) and other source milk which would be classified as Class I if such plant were a pool plant.

The market administrator must have sufficient funds to enable him to administer properly the terms of the order. The Act provides that cost of administration shall be financed through assessments on handlers. One of the duties of the market administrator is to verify the receipts and disposition of milk from all sources. Equity in sharing the cost of administration of the order among handlers, including nonpool handlers, will be achieved by applying the administrative assessment in the above-described manner.

In view of the distances involved between plants and the cost of administering orders in comparable markets, an assessment rate of 4 cents per hundredweight is necessary to meet the expenses of administration. Provisions should be made to enable the Secretary to reduce the rate of assessment below the 4-cent maximum rate without necessitating an amendment to the order. This should be done at such time that experience reveals that a lesser rate will provide adequate revenue to administer the order properly.

RULINGS ON PROPOSED FINDINGS AND CONCLUSIONS

Briefs and proposed findings and conclusions were filed on behalf of certain interested parties in the market. These briefs, proposed findings, and conclusions and the evidence in the record were considered in making the findings and conclusions set forth above.

To the extent that the suggested findings and conclusions filed by interested parties are inconsistent with the findings and conclusions set forth herein, the requests to make such findings or to reach such conclusions are denied for the reasons previously stated in this decision.

General findings. (a) The proposed marketing agreement and order and all of the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

(b) The parity prices of milk as determined pursuant to section 2 of the Act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supply and demand for milk in the marketing area, and the minimum prices specified in the proposed marketing agreement and the order are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(c) The proposed marketing agreement and order will regulate the handling of milk in the same manner as, and will be applicable to persons in the respective classes of industrial and commercial activity specified in, a marketing agreement upon which a hearing has been held.

Recommended marketing agreement and order. The following order regulating the handling of milk in the Ohio Valley marketing area is recommended as the detailed and appropriate means by which the foregoing conclusions may be carried out. The recommended marketing agreement is not included in this decision because the regulatory provisions thereof would be the same as those contained in the proposed order.

DEFINITIONS

§ 1024.1 Act.

"Act" means Public Act No. 10, 73d Congress, as amended and as re-enacted and amended by the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

§ 1024.2 Department.

"Department" means the United States Department of Agriculture or such other Federal agency authorized to perform the price reporting functions specified in this part.

§ 1024.3 Secretary.

"Secretary" means the Secretary of Agriculture or any officer or employee of the United States authorized to exercise the powers and to perform the duties of the said Secretary of Agriculture.

§ 1024.4 Person.

"Person" means any individual, partnership, corporation, association or any other business unit.

§ 1024.5 Cooperative association.

"Cooperative association" means any cooperative marketing association of producers which the Secretary determines:

(a) To be qualified pursuant to the provisions of the Act of Congress of February 18, 1922, as amended, known as the "Capper-Volstead Act," and

(b) To have full authority in the sale of milk of its members and to be engaged in making collective sales of or marketing milk or its products for its members.

§ 1024.6 Ohio Valley marketing area.

"Ohio Valley marketing area" herein-after referred to as the "marketing area" means all territory geographically located within the perimeter boundaries of the counties of Perry, Spencer, Warrick, Vanderburgh, Posey, Gibson, Pike, Dubois, and Crawford, all within the State of Indiana and the counties of Henderson, Daviess, Hancock, Breckinridge, Grayson, Ohio, McLean, Webster, Union, Hopkins and Muhlenburg, all within the State of Kentucky, including all municipal corporations and institutions owned or operated by the Federal, State or local governments lying wholly or partially within such areas.

§ 1024.7 Fluid milk product.

"Fluid milk product" means the fluid form of milk, skim milk, buttermilk, milk concentrates, milk drinks (plain or flavored, including prepared milk shake mixes and eggnog), cream (including sterilized cream), or any mixture of milk, skim milk or cream (except storage cream, aerated cream products, ice

cream mix, evaporated or condensed milk and sterilized products packaged in hermetically sealed metal containers).

§ 1024.8 Route.

"Route" means delivery (including disposition from a plant store or from a distribution point and distribution by a vendor) of a fluid milk product(s) to a wholesale or retail outlet(s) other than to a:

- (a) Milk plant(s);
- (b) Distribution point(s); or
- (c) Food processing plant(s) for use other than for fluid consumption.

§ 1024.9 Fluid milk plant.

"Fluid milk plant" means the land, buildings, surroundings, facilities and equipment which are used in the receipt, preparation, or processing of milk which is approved by a duly constituted health authority for fluid disposition as Grade A milk, and:

- (a) All or a portion of such milk is (1) disposed of during the month in the form of a fluid milk product(s) in the marketing area on a route(s), or (2) moved to a plant described in subparagraph (1) of this paragraph in the form of a fluid milk product(s).

§ 1024.10 Pool plant.

"Pool plant" means a fluid milk plant meeting the conditions of paragraph (a) or (b) of this section, except a plant operated by a producer-handler:

- (a) Any such plant from which the fluid milk products disposed of on a route(s) are equal to not less than 50 percent of the Grade A milk (described in § 1024.12(a)) received at such plant from dairy farmers and from other plants during the month, and 25 percent or more of such receipts is disposed of as fluid milk products in the marketing area on a route, or

- (b) Any such plant which receives Grade A milk (described in § 1024.12(a)) from dairy farmers and from which fluid milk products equal to not less than 50 percent of such receipts during the month are moved to a plant(s) described in paragraph (a) of this section: *Provided*, That if such shipments are not less than 50 percent of the receipts of milk from such dairy farmers at such plant during the period of September through December, such plant shall, unless written application for nonpool plant status is received by the market administrator from the operator of such plant on or before January 9 of any year, be designated as a pool plant during the months of January through August of such year.

§ 1024.11 Nonpool plant.

"Nonpool plant" means any milk receiving, manufacturing, processing or bottling plant other than a pool plant.

§ 1024.12 Producer.

"Producer" means any person, except a producer-handler or a person with respect to milk produced by him which is fully subject to the pricing and payment provisions of another order issued pursuant to the act, who produces milk

on a dairy farm which is approved by a duly constituted health authority for the production of milk for fluid disposition and which milk is:

- (a) Permitted by the health authority having jurisdiction in the marketing area to be labeled and disposed of as Grade A milk in the marketing area; and

- (b) Received during the month at a pool plant (including milk diverted from a pool plant to a nonpool plant pursuant to the conditions set forth in § 1024.13).

§ 1024.13 Producer milk.

"Producer milk" means skim milk and butterfat contained in milk:

- (a) Received at a pool plant directly from producers;

- (b) Diverted for the account of the operator of a pool plant to another pool plant or a nonpool plant; or

- (c) Diverted for the account of a cooperative association to a nonpool plant: *Provided*, That this definition shall not include the milk of any person during any month in which such milk is diverted for the account of (1) the operator of a pool plant for more than one-half of the days of delivery during the month; or (2) a cooperative association for more than one-half of the days of delivery during the months of August through March: *And provided further*, That producer milk diverted shall be deemed to have been received at a pool plant at the same location as the pool plant at which the milk was last received immediately prior to diversion.

§ 1024.14 Other source milk.

"Other source milk" means all skim milk and butterfat contained in or represented by:

- (a) Receipts during the month in the form of a fluid milk product, except (1) fluid milk products received from pool plants, (2) producer milk, and (3) inventory of fluid milk products at the beginning of the month; and

- (b) Products other than fluid milk products from any source (including those produced at the plant) which are repackaged, reprocessed or converted to another product in the plant or for which other utilization or disposition is not established pursuant to § 1024.32.

§ 1024.15 Base milk.

"Base milk" means that producer milk received from a producer during any of the months of April through July which is not in excess of such producer's daily average base computed pursuant to § 1024.60 multiplied by the number of days in the month.

§ 1024.16 Excess milk.

"Excess milk" means that producer milk received from a producer during any of the months of April through July which is in excess of such producer's base milk.

§ 1024.17 Handler.

"Handler" means (a) any person who operates a fluid milk plant, and (b) any cooperative association with respect to milk diverted by it in accordance with the conditions set forth in § 1024.13.

§ 1024.18 Producer-handler.

"Producer-handler" means any person who processes and packages milk from his own farm production, who distributes any portion of such milk in the marketing area on a route and who receives no fluid milk products from other dairy farmers or nonpool plants: *Provided*, That such person provides proof satisfactory to the market administrator that (a) the care and management of all the dairy animals and other resources necessary to produce the entire amount of fluid milk handled (excluding transfers from pool plants) is the personal enterprise of and at the personal risk of such person, and (b) the operation of the processing and distributing business is the personal enterprise of and at the personal risk of such person.

§ 1024.19 Chicago butter price.

"Chicago butter price" means the arithmetical average, as computed by the market administrator, of the daily wholesale selling prices (using the midpoint of any range as one price) per pound of Grade A (92-score) bulk creamery butter at Chicago as reported for the month by the Department.

§ 1024.20 Nonfat dry milk price.

"Nonfat dry milk price" means the arithmetical average of the weighted averages of the carlot prices per pound of spray and roller process nonfat dry milk for human consumption, f.o.b. Chicago area manufacturing plants, as published for the month by the Department.

MARKET ADMINISTRATOR

§ 1024.25 Designation.

The agency for the administration of this part shall be a market administrator, selected by the Secretary, who shall be entitled to such compensation as may be determined by, and shall be subject to removal at the discretion of, the Secretary.

§ 1024.26 Powers.

The market administrator shall have the powers with respect to this part:

- (a) To administer its terms and provisions;

- (b) To receive, investigate, and report to the Secretary complaints of violations;

- (c) To make rules and regulations to effectuate its terms and provisions; and

- (d) To recommend amendments to the Secretary.

§ 1024.27 Duties.

The market administrator shall perform all duties necessary to administer the terms and provisions of this part, including, but not limited to, the following:

- (a) Within 45 days following the date on which he enters upon his duties, or such lesser period as may be prescribed by the Secretary, execute and deliver to the Secretary a bond, effective as of the date on which he enters upon his duties and conditioned upon the faithful performance of such duties, in an amount and with surety thereon satisfactory to the Secretary;

- (b) Employ and fix the compensation of such persons as may be necessary to

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enable him to administer its terms and provisions;

(c) Obtain a bond in a reasonable amount and with reasonable surety thereon covering each employee who handles funds entrusted to the market administrator;

(d) Pay, out of the funds provided by § 1024.36, (1) the cost of his bond and of the bond of his employees, (2) his own compensation, and (3) all other expenses, except those incurred under § 1024.37, necessarily incurred by him in the maintenance and functioning of his office and in the performance of his duties;

(e) Keep such books and records as will clearly reflect the transactions provided for herein, and upon request by the Secretary, surrender the same to such other person as the Secretary may designate;

(f) Publicly disclose, at his discretion, to handlers and producers, unless otherwise directed by the Secretary, the name of any person who, after the day upon which he is required to perform such acts, has not made (1) reports pursuant to §§ 1024.30 and 1024.31 or (2) payments pursuant to §§ 1024.75, 1024.80, 1024.82, 1024.84, 1024.86 and 1024.87;

(g) Submit his books and records to examination by the Secretary and furnish such information and reports as may be required by the Secretary;

(h) Prepare and make available for producers, consumers, and handlers such statistics and information as are necessary and essential to the proper functioning of this part and as do not reveal confidential information;

(i) Verify all reports and payments by each handler by audit, as necessary, of such handler's records and of the records of any other person upon whose utilization the classification of skim milk and butterfat depends;

(j) On or before the date specified herein, publicly announce by posting in a conspicuous place in his office and by such other means as he deems appropriate, the following: (1) The 6th day of each month, the Class I price and butterfat differential for the month, the Class II price and butterfat differential for the preceding month; and (2) the 12th day of each month, the uniform price(s), and the producer butterfat differential for the preceding month; and

(k) On or before the 15th day after the end of each month, report to each cooperative association, upon request by such association, the percentage of producer milk caused to be delivered by such association or by its members which was used in each class by each handler receiving any such milk. For the purpose of this report the milk so received shall be prorated to each class in the proportion that the total receipts of milk from producers by such handlers were used in each class.

REPORTS, RECORDS AND FACILITIES

§ 1024.30 Reports of receipts and utilization.

(a) On or before the 7th day after the end of each month, or not later than the 9th day after the end of the month if the report required by this paragraph is de-

livered in person to the office of the market administrator, each handler shall report for each of his pool plants for such month to the market administrator in the detail and on forms prescribed by the market administrator the following:

(1) The total pounds of skim milk and butterfat contained in or represented by:

(i) Producer milk, including for the months of April through July the aggregate amount of base milk;

(ii) Fluid milk products received from other pool plants;

(iii) Other source milk; and

(iv) Inventories of fluid milk products at the beginning and end of the month.

(2) The utilization of all skim milk and butterfat required to be reported pursuant to this section, including a separate statement, if required by the market administrator, of the disposition of Class I milk outside the marketing area.

(b) Each handler operating a fluid milk plant pursuant to § 1024.9(a)(1) which is a nonpool plant shall report on or before the applicable date specified in paragraph (a) of this section his receipts of milk from dairy farmers and all other sources and the utilization of such receipts in accordance with § 1024.40 as prescribed by the market administrator.

§ 1024.31 Other reports.

(a) Each producer-handler shall make reports to the market administrator at such time and in such manner as the market administrator may prescribe;

(b) Each handler, except a producer-handler, shall report to the market administrator in detail and on forms prescribed by the market administrator:

(1) On or before the 20th day after the end of the month for each of his pool plants and for each fluid milk plant subject to § 1024.75(b) his producer payroll which shall show: (i) The total pounds of milk received from each producer or dairy farmer, as the case may be, including for the months of April through July the total pounds of base and excess milk for each producer; (ii) the average butterfat content of such milk; (iii) the days for which milk was received from each producer during September through December--if less than a full month; and (iv) the amount of such handler's payment to each dairy farmer, producer or cooperative association, as the case may be, together with the price paid per hundredweight and the amount and nature of any advance payments and deductions authorized in writing by such person; and

(2) Such other information as the market administrator may determine to be necessary to administer this part.

§ 1024.32 Records and facilities.

Each handler shall maintain and make available to the market administrator or to his representative during the usual hours of business such accounts and records of his operations, together with such facilities as are necessary for the market administrator to verify or establish the correct data with respect to:

(a) The receipt and utilization of all skim milk and butterfat handled in any form during the month;

(b) The weights and butterfat and other content of all milk, skim milk, cream and other milk products handled during the month;

(c) The pounds of skim milk and butterfat contained in or represented by all milk products on hand at the beginning and end of each month; and

(d) Payments to dairy farmers and cooperative associations including the amount and nature of any deductions and the disbursement of money so deducted.

§ 1024.33 Retention of records.

All books and records required under this part to be made available to the market administrator shall be retained by the handler for a period of three years to begin at the end of the month to which such books and records pertain: *Provided*, That if within such three-year period, the market administrator notifies the handler in writing that the retention of such books and records, or of specified books and records, if necessary in connection with a proceeding under section 8c 15(A) of the Act or a court action specified in such notice, the handler shall retain such books and records, or specified books and records, until further written notification from the market administrator. In either case, the market administrator shall give further written notification to the handler promptly upon the termination of the litigation or when the records are no longer necessary in connection therewith.

CLASSIFICATION

§ 1024.40 Skim milk and butterfat to be classified.

The skim milk and butterfat to be reported pursuant to § 1024.30 shall be classified each month pursuant to the provisions of §§ 1024.41 to 1024.45.

§ 1024.41 Classes of utilization.

Subject to the conditions set forth in §§ 1024.42 to 1024.45, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk and butterfat (1) disposed of from the plant in the form of fluid milk products, except those classified pursuant to paragraph (b) (2) of this section, and (2) not specifically accounted for as Class II milk, and

(b) Class II milk shall be all skim milk and butterfat (1) used to produce any product other than a fluid milk product, (2) disposed of for livestock feed and skim milk (only) dumped, upon prior notice as prescribed by the market administrator, (3) in cream stored and frozen, (4) in inventory of fluid milk products on hand at the end of the month, (5) in shrinkage not to exceed one-half of one percent of the skim milk and butterfat, respectively, in producer milk physically received at the plant, plus one and one-half percent of such receipts and of the receipts of skim milk and butterfat in bulk fluid milk products from pool plants, less such products disposed of by such plant in bulk to another plant, and (6) in shrinkage of other source milk.

§ 1024.42 Shrinkage.

In computing shrinkage for the purposes of § 1024.41(b) (5) and (6) the market administrator shall determine the shrinkage of skim milk and butterfat, respectively, in the following manner:

(a) Compute total shrinkage at each pool plant by subtracting the skim milk and butterfat, respectively, classified as Class I milk pursuant to § 1024.41(a) (1) and as Class II milk pursuant to § 1024.41(b) (1), (2), (3), and (4) (subject to the provisions of § 1024.43 to § 1024.45) from the receipts of the skim milk and butterfat, respectively, required to be reported pursuant to § 1024.30;

(b) Prorate the total shrinkage of skim milk and butterfat, respectively, computed pursuant to paragraph (a) of this section, among the pounds of producer milk, physically received at such plant, other source milk received in the form of fluid milk products in bulk, and fluid milk products in bulk received from other pool plants in excess of transfers of such products in bulk to other plants.

§ 1024.43 Responsibility of handlers.

All skim milk and butterfat shall be classified as Class I milk, unless the handler who first receives such skim milk or butterfat proves to the market administrator that such skim milk or butterfat should be classified as Class II milk.

§ 1024.44 Transfers.

Skim milk or butterfat disposed of by a handler from a pool plant shall be classified as follows:

(a) As Class I milk if transferred or diverted in the form of a fluid milk product to another pool plant, unless:

- (1) utilization in another class is claimed by the operator of both plants in their reports submitted pursuant to § 1024.30; and

- (2) The transferee plant has utilization in Class II milk of an equivalent amount of skim milk and butterfat, respectively, after making the assignments pursuant to § 1024.46(a) (1) to (4) and the corresponding steps of § 1024.46(b) and any remaining quantities shall be classified as Class I milk: *Provided*, That if the transferring plant has other source milk during the month, the skim milk or butterfat so transferred or diverted shall be classified at both plants so as to allocate the highest priced available class utilization to the producer milk at both plants;

(b) As Class I milk if transferred or diverted to a producer-handler in the form of a fluid milk product;

(c) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located less than 250 airline miles from either the Courthouse in Owensboro, Kentucky, or Evansville, Indiana, unless:

- (1) The handler claims classification in Class II in his report submitted to the market administrator pursuant to § 1024.30;

- (2) The operator of the nonpool plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which

are made available if requested by the market administrator for verification;

(3) An amount of skim milk and butterfat, respectively, of not less than that so claimed by the handler was used in products included in Class II milk;

(4) The classification reported by the handler results in an amount of skim milk and butterfat in Class I milk claimed by all handlers transferring or diverting milk to such nonpool plant of not less than the amount of assignable Class I milk remaining after the following computation:

- (i) From the total skim milk and butterfat, respectively, in fluid milk products disposed of from such nonpool plant and classified as Class I milk, pursuant to the classification provisions of this order applied to such nonpool plant, subtract the skim milk and butterfat received at such plant directly from dairy farmers who are approved by a duly constituted health authority to supply Grade A milk and who the market administrator determines constitute the regular source of supply for such nonpool plant;

- (ii) From the remaining amount of Class I milk, subtract the skim milk and butterfat, respectively, in fluid milk products received from another market and which is classified and priced as Class I milk pursuant to another order issued pursuant to the Act: *Provided*, That the amount subtracted pursuant to this subdivision shall be limited to such market's pro rata share of such remainder based on the total receipts of skim milk and butterfat, respectively, at such nonpool plant which are subject to the pricing provisions of an order issued pursuant to the Act;

(5) If the skim milk and butterfat, respectively, transferred by all handlers (including transfers from fluid milk plants subject to § 1024.75(b)) to such a nonpool plant and reported as Class I milk is less than the skim milk and butterfat assignable to Class I milk, pursuant to subparagraph (4) of this paragraph, an equivalent amount of skim milk and butterfat shall be reclassified as Class I milk pro rata in accordance with the total of the lower price classification reported by each of such handlers;

(d) As Class I milk if transferred or diverted in the form of milk, skim milk, or cream in bulk to a nonpool plant located 250 airline miles or more from either the Courthouse in Owensboro, Kentucky, or Evansville, Indiana.

§ 1024.45 Computation of skim milk and butterfat in each class.

For each month, the market administrator shall correct for mathematical and other obvious errors the monthly report submitted for the pool plant of each handler pursuant to § 1024.30 and compute the total pounds of skim milk and butterfat, respectively, in Class I milk and Class II milk for such plant: *Provided*, That if any of the water contained in the milk from which a product is made is removed before such product is disposed of by the handler, the hundredweight of skim milk used to produce and disposed of in such products shall be considered to be an amount equivalent to the nonfat solids contained in such

product, plus all of the water originally associated with such solids.

§ 1024.46 Allocation of skim milk and butterfat classified.

(a) The pounds of skim milk remaining in each class after making the following computations each month with respect to each pool plant of each handler, shall be the pounds of skim milk in such class allocated to the producer milk for such month.

- (1) Subtract from the total pounds of skim milk in Class II milk the shrinkage of skim milk classified as Class II pursuant to § 1024.41(b) (5);

- (2) Subtract from the pounds of skim milk in Class I milk the pounds of skim milk in fluid milk products received in consumer packages, not larger than a gallon, and so disposed of, if such skim milk is subject to the Class I pricing provisions of another order issued pursuant to the Act;

- (3) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk which is not subject to the Class I pricing provisions of an order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

- (4) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk in other source milk received in the form of a fluid milk product in bulk and which was subject to the Class I pricing provisions of another order issued pursuant to the Act: *Provided*, That if the pounds of skim milk to be subtracted are greater than the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk in Class I milk;

- (5) Subtract the pounds of skim milk in fluid milk products received from other pool plants from the pounds of skim milk remaining in the class to which assigned, pursuant to § 1024.44(a);

- (6) Subtract from the pounds of skim milk remaining in Class II milk the pounds of skim milk contained in inventory of fluid milk products at the beginning of the month: *Provided*, That if the pounds of skim milk in such inventory exceed the remaining pounds of skim milk in Class II milk, the balance shall be subtracted from the pounds of skim milk remaining in Class I milk;

- (7) Add to the pounds of skim milk remaining in Class II milk the pounds of skim milk subtracted pursuant to subparagraph (1) of this paragraph; and

- (8) If the pounds of skim milk remaining in all classes exceed the pounds of skim milk in milk received from producers, subtract such excess from the pounds of skim milk remaining in series beginning with Class II milk. Any amount so subtracted shall be known as "overage".

(b) Determine the pounds of butterfat in each class to be allocated to producer milk in the manner prescribed in paragraph (a) of this section for determining the allocation of skim milk to producer milk; and

PROPOSED RULE MAKING

(c) Add the pounds of skim milk and pounds of butterfat in each class calculated pursuant to paragraphs (a) and (b) of this section and determine the percentage of butterfat in the producer milk allocated to each class.

MINIMUM PRICES

§ 1024.50 Basic formula price.

The basic formula price shall be the higher of the prices as computed to the nearest one-tenth of a cent by the market administrator pursuant to paragraphs (a) and (b) of this section:

(a) Add an amount, computed by multiplying the butterfat differential computed pursuant to § 1024.52(b) by five, to the arithmetical average of the basic (or field) prices per hundredweight reported to have been paid, or to be paid, for milk of 3.5 percent butterfat content received from farmers during the month at the following places for which prices are reported to the market administrator or to the Department by the companies listed below:

Company and Location

Borden Co., Mount Pleasant, Mich.
Borden Co., New London, Wis.
Borden Co., Orfordville, Wis.
Carnation Co., Oconomowoc, Wis.
Carnation Co., Richland Center, Wis.
Carnation Co., Sparta, Mich.
Pet Milk Co., Belleville, Wis.
Pet Milk Co., Coopersville, Mich.
Pet Milk Co., New Glarus, Wis.
Pet Milk Co., Wayland, Mich.
White House Milk Co., Manitowoc, Wis.
White House Milk Co., West Bend, Wis.

(b) The price obtained by adding together the plus amounts calculated pursuant to subparagraphs (1) and (2) of this paragraph:

(1) Multiply the Chicago butter price by 4.8; and

(2) From the nonfat dry milk price, subtract 5.5 cents and multiply the difference by 8.2.

§ 1024.51 Class prices.

Subject to the provisions of §§ 1024.52 and 1024.53 the minimum class prices for producer milk per hundredweight for the month shall be determined by the market administrator as follows:

(a) *Class I milk.* The price for Class I milk shall be the basic formula price for the preceding month plus \$1.30 during the 18 months immediately following the effective date of this section and plus \$1.25 thereafter.

(b) *Class II milk.* The price for Class II milk shall be:

(1) For the months of September through February, the basic formula price for the month; and

(2) For the months of March through August, the arithmetical average of the basic (or field) prices paid or to be paid per hundredweight for milk of 4.0 percent butterfat content for manufacturing purposes and received from farmers during the month at the following places for which prices are reported to the market administrator or the Department by the companies listed below plus 20 cents:

Company and Location

Producers' Dairy Marketing Association, Orleans, Ind.
Kraft Cheese Co., Dale, Ind.
Swift and Co., Russellville, Ky.
Pet Milk Co., Bowling Green, Ky.
Pet Milk Co., Mayfield, Ky.

§ 1024.52 Butterfat differentials to handlers.

For each one-tenth of 1 percent that the weighted average butterfat test of producer milk which is classified in each class for each handler is more or less than 4.0 percent there shall be added to or subtracted from, as the case may be, the price for such class, a butterfat differential determined as follows:

(a) *Class I price.* Multiply the Chicago butter price for the preceding month by 0.125.

(b) *Class II price.* Multiply the Chicago butter price for the month by .120.

§ 1024.53 Location differentials to handlers.

For producer milk which is received at a pool plant located 80 miles or more from the County Courthouse in Evansville, Ind., or Owensboro, Ky., whichever is nearer, by the shortest hard-surfaced highway distance, as determined by the market administrator, and which is classified as Class I milk, the price specified in § 1024.51(a) shall be reduced at the rate set forth in the following schedule according to the location of the pool plant where such milk is received from producers:

<i>Distance from County Courthouse (miles)</i>	<i>Rate per hundred-weight (cents)</i>
80 but less than 90	13.0
For each additional 10 miles or fraction thereof an additional	1.5

Provided, That for the purpose of calculating such location differential, fluid milk products which are transferred between pool plants shall be assigned to any remainder of Class II in the transferee plant after making the calculations prescribed in § 1024.46(a) (4), and the comparable steps in § 1024.46(b) for such plant, such assignment to transferor-plants to be made in sequence according to the location differential applicable at each plant, beginning with the plant having the largest differential.

§ 1024.54 Use of equivalent prices.

If for any reason a price quotation required by this part for computing class prices or for other purposes is not available in the manner described, the market administrator shall use a price determined by the Secretary to be equivalent to the price which is required.

§ 1024.55 Rate of payment on unpriced milk.

The rate of payment per hundredweight on unpriced Class I milk shall be calculated as follows:

(a) For the months of April through July, subtract the Class II price, adjusted by the Class II butterfat differential, from the Class I price, adjusted by

the Class I butterfat differential and the Class I location differential at the location of the plant from which such milk is supplied.

(b) For the months of August through March, subtract the uniform price to producers from the Class I price adjusted by the Class I location differential at the location of the plant from which such milk is supplied.

DETERMINATION OF BASE

§ 1024.60 Daily average base.

Subject to the rules set forth in § 1024.61 the daily average base for each producer shall be calculated by dividing the total pounds of milk received from such producer at a pool plant(s) during the months of September through February immediately preceding, by the number of days from the first day for which milk is received from such producers during such months to the last day of December inclusive, but not less than 120 days: *Provided,* That in the case of a producer whose milk is received at a plant which becomes a pool plant during or after the end of the base-forming period, and which has records of milk receipts satisfactory to the market administrator for the determination of a base, the producer's base shall be that which would have been calculated for such producer (exclusive of transfers) for the entire base-forming period if such plant had been a pool plant during such period.

§ 1024.61 Base rules.

The following rules shall apply in connection with the establishment and assignment of bases.

(a) Subject to the provisions of paragraph (b) of this section, the market administrator shall assign a base as calculated pursuant to § 1024.60 to each person for whose account producer milk was delivered during the months of September through February;

(b) If a producer ceases to deliver milk in his name between September 1 and the last day of February, but milk is delivered to a pool plant from the same dairy production facility in the name of another producer during the remainder of the base-forming period, the base earned by both producers shall be combined in the manner set forth in paragraph (c) (3) of this section if milk is delivered in the names of both producers during any of the immediately following months of April through July; and

(c) A base shall be transferred from a person holding such base to another person as of the end of the month during which an application for the transfer of such base is received by the market administrator, such application to be on forms approved by the market administrator and signed by the base holder or his heirs and by the person to whom such base is to be transferred subject to the following conditions:

(1) If a base is held jointly and such joint holding is terminated, the entire base may be transferred to one of the joint holders;

(2) An entire base or the proportionate share of a jointly held base may be transferred to another person if such person assumes the ownership or operation of the farm on which the base to be transferred was established; and

(3) If one or more bases are transferred to a producer already holding a base which was either earned by such producer or transferred to him, a new base shall be computed by adding together the total producer milk deliveries during the base-forming period of all persons in whose name such bases were earned and dividing the total by the number of days from the earliest date of delivery during the base-forming period by any of such persons to the last day of February, both inclusive, but not less than 120 days.

DETERMINATION OF UNIFORM PRICES

§ 1024.70 Net obligation of each handler.

The net obligation of each handler for producer milk received during the month shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable class price and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of any average deducted from each class pursuant to § 1024.46(a) (8) by the applicable class price(s);

(c) Add an amount computed by multiplying the hundredweight of other source milk subtracted from Class I milk pursuant to § 1024.46(a) (3) and the corresponding step in § 1024.46(b) by the rate of payment determined pursuant to § 1024.55 adjusted by the location differential applicable at the nearest plant(s) from which an equivalent amount of other source milk was received: *Provided*, That if the source of any such fluid milk product is not clearly established or if such skim milk and butterfat is used in a form other than a fluid milk product, such product shall be considered to have been received from a source at the location of the pool plant where it is classified; and

(d) Add the amounts computed under subparagraphs (1) and (2) of this paragraph:

(1) Multiply the difference between the applicable Class II price for the preceding month and the applicable Class I price for the month by the pounds of skim milk and butterfat remaining in Class II milk after the calculations pursuant to § 1024.46(a) (6) and the corresponding step of § 1024.46(b) for the preceding month, or the pounds of skim milk and butterfat subtracted from Class I milk pursuant to § 1024.46(a) (6) and the corresponding step of § 1024.46(b) for the month, whichever is less; and

(2) If the pounds on which payment is applicable pursuant to subparagraph (1) of this paragraph are less than the pounds subtracted from Class I milk pursuant to § 1024.46(a) (6) for the month, add an additional amount computed by multiplying the rate of payment pursuant to § 1024.55 by such difference to the

extent that the pounds of skim milk and butterfat in other source milk assigned to Class II milk pursuant to § 1024.46(a) (3) and the corresponding step of § 1024.46(b) for the preceding month exceeds the total pounds of skim milk and butterfat classified as Class II milk pursuant to § 1024.41(b) (1), (2), (3), and (5) (subject to the provisions of § 1024.44) for such preceding month.

§ 1024.71 Computation of aggregate value used to determine uniform price(s).

For each month, the market administrator shall compute an aggregate value from which to determine the uniform price(s) per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Combine into one total the values computed pursuant to § 1024.70 for the pool plants of all handlers who made the reports prescribed in § 1024.30 and who made the payments pursuant to §§ 1024.80 and 1024.82 for the preceding month;

(b) Add the aggregate of the values of all allowable location adjustments to producers pursuant to § 1024.85(b);

(c) Add an amount equal to one-half of the unobligated cash balance in the producer-settlement fund;

(d) Subtract if the average butterfat content of producer milk included in these computations is greater than 4.0 percent, or add if such average butterfat content is less than 4.0 percent, an amount computed by multiplying the amount by which the average butterfat content of such milk varies from 4.0 percent by the butterfat differential computed pursuant to § 1024.85 and multiplying the resulting figure by the total hundredweight of such milk.

§ 1024.72 Computation of uniform price.

For each of the months of August through March, the market administrator shall compute the uniform price per hundredweight for producer milk of 4.0 percent butterfat content as follows:

(a) Divide the aggregate value computed pursuant to § 1024.71 by the total hundredweight of producer milk included in such computation; and

(b) Subtract not less than 4 cents nor more than 5 cents.

§ 1024.73 Computation of uniform prices for base milk and excess milk.

For each of the months of April through July, the market administrator shall compute the uniform prices per hundredweight for base milk and for excess milk, each of 4.0 percent butterfat content, as follows:

(a) Compute the total value on a 4.0 percent butterfat basis of excess milk included in the computations pursuant to § 1024.71 by multiplying the hundredweight of such milk not in excess of the total pounds of Class II milk included in such computations by the price for Class II milk of 4.0 percent butterfat content, multiplying the hundredweight of such milk in excess of the total hundredweight of such Class II milk by the price for Class I milk of 4.0 percent but-

terfat content, and add together the resulting amounts;

(b) Divide the total value of excess milk obtained in paragraph (a) of this section by the total hundredweight of such milk and adjust to the nearest cent. The resulting figure shall be the uniform price for excess milk of 4.0 percent butterfat content;

(c) Subtract the value of excess milk at the uniform price determined in paragraph (b) of this section from the aggregate value of milk computed pursuant to § 1024.71;

(d) Divide the amount obtained in paragraph (c) of this section by the total hundredweight of base milk included in the computations pursuant to § 1024.71; and

(e) Subtract not less than 4 cents nor more than 5 cents from the amount computed pursuant to paragraph (d) of this section. The resulting figure shall be the uniform price for base milk of 4.0 percent butterfat content.

§ 1024.74 Notification of handlers.

The market administrator shall:

(a) On or before the 12th day after the end of each month, notify each handler who operates a pool plant:

(1) The amount and value of his milk in each class pursuant to § 1024.70;

(2) The amount due the producer-settlement fund pursuant to § 1024.82; and

(3) The amount to be paid by such handler pursuant to § 1024.86.

(b) On or before the 20th day after the end of each month, notify each handler who operates a fluid milk plant, not a pool plant the amount due the producer-settlement fund and the amount due for administrative assessment pursuant to § 1024.75.

§ 1024.75 Obligation of handlers operating a fluid milk plant which is a nonpool plant.

On or before the 25th day after the end of each month, each handler, except a producer handler, operating a fluid milk plant which is a nonpool plant, shall pay to the market administrator the amounts computed pursuant to paragraph (a) of this section, unless the handler elects at the time of reporting pursuant to § 1024.30 to pay the amounts computed pursuant to paragraph (b) of this section.

(a) An amount (1) for deposit in the producer-settlement fund, equal to the rate of payment on unpriced milk pursuant to § 1024.55 multiplied by the hundredweight of skim milk and butterfat disposed of from such plant as Class I milk (computed in accordance with § 1024.45) in the marketing area on routes during such month; and (2) for administrative assessment, equal to the rate specified in § 1024.86 applied to such Class I milk disposed of from such plant during such month; and

(b) An amount (1) for deposit into the producer-settlement fund, equal to any plus amount remaining after deducting from the obligation that would have been computed pursuant to § 1024.70 for such nonpool plant and any supply plant(s) (meeting the requirements equivalent to § 1024.10(b)) which

serves as a source of milk for such non-pool plant, if such plant(s) were a pool plant(s), (i) the gross payments made on or before the 18th day after the end of the month for milk received at such plant(s) during the month from dairy farmers meeting the conditions in § 1024.12(a), and (ii) any obligations incurred in accordance with provisions similar to those contained in this subparagraph or paragraph (a)(1) of this section applicable to such plant as a partially regulated plant under another order issued pursuant to the Act: *Provided*, That in the application of § 1024.44 for the purpose of this subparagraph, transfers or diversions of milk from such milk plant(s) to a pool plant shall be classified as Class I and Class II milk in the same ratio as other source milk is allocated to each class in such pool plant pursuant to § 1024.46(a) (3) and the corresponding step of (b): *And provided further*, In the application of § 1024.46(a) (5) and the corresponding step of § 1024.46(b), receipts of fluid milk products at such fluid milk plant(s) from a pool plant(s) shall be allocated from the class in which such products are classified at the pool plant pursuant to § 1024.44 (c) or (d); and (2) for administrative assessment, equal to the amount which would have been computed pursuant to § 1024.86 if such fluid milk plant were a pool plant during the month except that, if such plant is also a partially regulated plant under another order, issued pursuant to the Act and the Class I sales in such other marketing area exceeded those made in the Ohio Valley marketing area during the month and each of the three months immediately preceding, the payments due under this subparagraph shall be reduced by the amount of any payments for administrative assessment under such other order.

§ 1024.76 Plants subject to other Federal orders.

The provisions of this part shall not apply to a milk plant during any month in which the milk at such plant would be subject to the classification and pricing provisions of another order issued pursuant to the Act unless such plant meets the requirements for a pool plant pursuant to § 1024.10 and a greater total volume of fluid milk products is disposed of from such plant to pool plants and in the Ohio Valley marketing area on routes than in the marketing area regulated pursuant to such other order during the month and each of the three months, immediately preceding: *Provided*, That the operator of a plant which is exempt from the provisions of this part pursuant to this section shall, with respect to the total receipts and utilization or disposition of skim milk and butterfat at the plant, make reports to the market administrator at such time and in such manner as the market administrator may require and allow verification of such reports by the market administrator.

PAYMENTS

§ 1024.80 Time and method of payments for producer milk.

(a) Except as provided in paragraph (c) of this section, each handler shall

pay on or before the last day of each month each producer for producer milk received from him during the first 15 days of such month at not less than the Class II price for the preceding month rounded to the next lower dollar or half dollar as the case may be and without adjustment for butterfat content, hauling or other deductions;

(b) Except as provided in paragraph (c) of this section, each handler shall (1) on or before the 15th day after the end of the month pay each producer for milk received from him during the month not less than the applicable uniform price(s) for such month computed pursuant to §§ 1024.72 and 1024.73, adjusted by the butterfat differential computed pursuant to § 1024.85(a), the location differential pursuant to § 1024.85(b) and less the amount of the payment made pursuant to paragraph (a) of this section and bona fide deductions authorized by the producer: *Provided*, That, with respect to each deduction made from such payment, the burden shall rest upon the handler making the deduction, to prove that each deduction is authorized by, and properly chargeable to, the producer: *And provided further*, That if by such date such handler has not received full payment pursuant to § 1024.83, he may reduce his total payments to all producers uniformly per hundredweight by the amount of the reduction in payment from the market administrator; he shall, however, complete such payments pursuant to this paragraph not later than the date for making such payments next following receipt of the balance from the market administrator; (2) furnish each producer with a supporting statement in such form that it may be retained by the producer which shall show:

(i) The month and identity of the handler and of the producer;

(ii) The total pounds and the average butterfat content of milk delivered by the producer, including for the months of April through July, the pounds of base milk and excess milk;

(iii) The nature and amount or the rate per hundredweight of each deduction claimed by the handler including any deduction made pursuant to § 1024.87;

(iv) The minimum rate or rates at which payment is required;

(v) The rate which is used in making the payment if such rate is more than the applicable minimum; and

(vi) The net amount of payment to the producer.

(c) Upon receipt of written request from a cooperative association which the market administrator determines is authorized by its members to collect payment for their milk and receipt of written promise to reimburse the handler for the amount of any actual loss incurred by him because of any improper claim on the part of the cooperative association, each handler shall:

(1) Pay to the cooperative association on or before the 25th and 13th days of each month, in lieu of payments pursuant to paragraphs (a) and (b), respectively, of this section, an amount not less than the total due such producer-members as determined pursuant to

paragraphs (a) and (b), respectively, of this section.

(2) Submit to the cooperative association on or before the 25th day of each month, written information which shows for each member-producer the total pounds of milk received during the first 15 days of the month;

(3) Submit to the cooperative association in writing on or before the 10th day of each month the information for each member-producer required pursuant to subdivisions (i) to (iii) of subparagraph (b) (2) of this section.

(d) The payments and submission of information pursuant to paragraph (c) of this section shall be made with respect to milk of each producer, who the cooperative association certifies is a member, which is received on and after the first day of the calendar month next following the receipt of such certification through the last day of the month next preceding receipt of notice from the cooperative association of a termination of membership or until the original request is rescinded in writing by the association.

(e) A copy of each such request, promise to reimburse, and certified list of members shall be filed simultaneously with the market administrator by the cooperative and shall be subject to verification at his discretion through audits of the records of the cooperative association pertaining thereto.

(f) Exceptions, if any, to the accuracy of such certification by a producer claimed to be a member or by a handler shall be made by written notice to the market administrator and shall be subject to his determination.

§ 1024.81 Producer-settlement fund.

The market administrator shall establish and maintain a separate fund known as the "producer-settlement fund" into which he shall deposit all payments made by handlers pursuant to §§ 1024.75, 1024.82 and 1024.84 and from which he shall make all payments pursuant to §§ 1024.83 and 1024.84: *Provided*, That payments due to any handler shall be offset by payments due from such handler.

§ 1024.82 Payments to the producer-settlement fund.

On or before the 12th day after the end of each month each handler shall pay to the market administrator any amount by which the total value of milk at his pool plant(s) computed pursuant to § 1024.70 for such month is greater than the value of producer milk received by such handler during the month, computed at the applicable minimum uniform prices as specified in §§ 1024.72 and 1024.73 adjusted for the differentials provided for in § 1024.85.

§ 1024.83 Payments out of the producer-settlement fund.

On or before the 13th day after the end of each month, the market administrator shall pay to each handler, any amount by which the total value of milk at his pool plant(s) computed pursuant to § 1024.70 for such handler for such month is less than the value of producer milk received by such handler during the month, computed at the applicable

uniform prices as specified in §§ 1024.72 and 1024.73 adjusted for the differentials provided for in § 1024.85. If at such time the balance in the producer-settlement fund is insufficient to make all payments pursuant to this section, the market administrator shall reduce uniformly per hundredweight such payments and shall complete such payments as soon as the necessary funds are available.

§ 1024.84 Adjustment of errors in payment.

Whenever verification by the market administrator of payments by any handler discloses errors made in payments to the producer-settlement fund pursuant to §§ 1024.75 and 1024.82, the market administrator shall promptly bill such handler for any unpaid amount and such handler shall within 15 days make payment to the market administrator of the amount so billed. Whenever verification discloses that payment is due from the market administrator to any handler pursuant to § 1024.83, the market administrator shall within 15 days, make such payment to such handler. Whenever verification by the market administrator of the payment by a handler to any producer or cooperative association for milk received by such handler discloses payment of less than is required by § 1024.80, the handler shall pay such balance, due such producer or cooperative association not later than the time of making payment to producers or cooperative associations next following such disclosures.

§ 1024.85 Butterfat and location differentials to producers.

(a) *Butterfat differential.* In making payment for producer milk pursuant to § 1024.80, there shall be added to or subtracted from, respectively, the uniform price(s) per hundredweight for each one-tenth of one percent of butterfat content in such milk above or below 4.0 percent, respectively, a butterfat differential computed by the market administrator by multiplying the total pounds of butterfat in producer milk classified in Class I and Class II milk during the month pursuant to § 1024.46 by the respective butterfat differential for each class, dividing the sum of such values by the total pounds of such butterfat and rounding the resultant figure to the nearest one-tenth cent.

(b) *Location differentials.* In making payments to producers pursuant to § 1024.80 for milk received at a pool plant located 80 miles or more from the nearest of the courthouse in Evansville, Indiana, or the courthouse in Owensboro, Kentucky, by the shortest hard-surfaced highway distance, as determined by the market administrator, the uniform price for August through March and the uniform price for base milk for April through July shall be reduced at the same rate as is applicable to Class I milk at such plant pursuant to § 1024.53.

§ 1024.86 Expense of administration.

As his pro rata share of the expense of the administration of this part, each handler shall pay to the market administrator on or before the 15th day after the end of each month, 4 cents per

hundredweight or such lesser amount as the Secretary may prescribe, with respect to receipts at his pool plant(s) during the month of producer milk and other source milk allocated to Class I milk pursuant to § 1024.46(a)(3) and the corresponding step of § 1024.46(b). A handler operating a fluid milk plant which is a nonpool plant shall pay administrative assessments in accordance with § 1024.75.

§ 1024.87 Marketing services.

(a) Except as set forth in paragraph (b) of this section, each handler in making payments to each producer pursuant to § 1024.80(b), shall deduct 6 cents per hundredweight or such lesser amount as the Secretary may prescribe, with respect to all milk received by such handler from such producer (except such handler's own farm production), during the month, and shall pay such deductions to the market administrator not later than the 15th day after the end of the month. Such money shall be used by the market administrator to verify weights, samples, and tests of milk received by handlers from such producers during the month and to provide such producers with market information. Such services shall be performed in whole or in part by the market administrator or by an agent engaged by and responsible to him.

(b) In the case of producers for whom a cooperative association is actually performing, as determined by the Secretary, the services set forth in paragraph (a) of this section, each handler shall make, in lieu of the deductions specified in paragraph (a) of this section, such deductions as are authorized by such producers and, on or before the 15th day after the end of each month, pay over such deductions to the association rendering such services.

§ 1024.88 Termination of obligations.

The provisions of this section shall apply to any obligation under this order for the payment of money irrespective of when such obligation arose.

(a) The obligation of any handler to pay money required to be paid under the terms of this order shall, except as provided in paragraphs (b) and (c) of this section, terminate 2 years after the last day of the month during which the market administrator receives the handler's utilization report on the milk involved in such obligation, unless within such 2-year period the market administrator notifies the handler in writing that such money is due and payable. Service of such notice shall be complete upon mailing to the handler's last known address, and it shall contain, but need not be limited to, the following information:

- (1) The amount of the obligation;
- (2) The month(s) during which the milk, with respect to which the obligation exists, was received or handled; and
- (3) If the obligation is payable to one or more producers or to an association of producers, the name of such producer(s) or association of producers or if the obligation is payable to the market administrator, the account for which it is to be paid.

(b) If a handler fails or refuses, with respect to any obligation under this

order, to make available to the market administrator or his representatives all books and records required by this order to be made available, the market administrator may within the two-year period provided for in paragraph (a) of this section, notify the handler in writing of such failure or refusal. If the market administrator so notifies a handler, the said two-year period with respect to such obligation shall not begin to run until the first day of the month following the month during which all such books and records pertaining to such obligation are made available to the market administrator or his representatives.

(c) Notwithstanding the provisions of paragraphs (a) and (b) of this section, a handler's obligation under this order to pay money shall not be terminated with respect to any transaction involving fraud or willful concealment of a fact material to the obligation, on the part of the handler against whom the obligation is sought to be imposed.

(d) Any obligation on the part of the market administrator to pay a handler any money which such handler claims to be due him under the terms of this order shall terminate two years after the end of the month during which the milk involved in the claim was received if an underpayment is claimed, or two years after the end of the month during which the payment (including deduction or set-off by the market administrator) was made by the handler if a refund on such payment is claimed, unless such handler, within the applicable period of time, files pursuant to section 8c(15)(A) of the Act, a petition claiming such money.

MISCELLANEOUS PROVISIONS

§ 1024.90 Effective time.

The provisions of this part, or any amendments to its provisions, shall become effective at such time as the Secretary may declare and shall continue in force until suspended or terminated pursuant to § 1024.91.

§ 1024.91 Suspension or termination.

The Secretary may suspend or terminate this part or any provision thereof whenever he finds that it obstructs or does not tend to effectuate the declared policy of the Act. This part shall, in any event, terminate whenever the provisions of the Act authorizing it cease to be in effect.

§ 1024.92 Continuing obligations.

If, upon the suspension or termination of any or all provisions of this part, there are any obligations arising under it, the final accrual or ascertainment of which requires further acts by any person, such further acts shall be performed notwithstanding such suspension or termination.

§ 1024.93 Liquidation.

Upon the suspension or termination of any or all provisions of this part the market administrator, or such person as the Secretary may designate, shall, if so directed by the Secretary, liquidate the business of the market administrator's office and dispose of all funds and property then in his possession or under his control together with claims for any

funds which are unpaid or owing at the time of such suspension or termination. Any funds collected over and above the amount necessary to meet outstanding obligations and the expenses necessarily incurred by the market administrator or such person in liquidating and distributing such funds, shall be distributed to the contributing handlers and producers in an equitable manner.

§ 1024.94 Agents.

The Secretary may, by designation in writing, name any officer or employee of the United States to act as his agent or representative in connection with any of the provisions of this part.

§ 1024.95 Separability of provisions.

If any provision of this part, or its application to any person or circumstances, is held invalid, the application of such provision, and of the remaining provisions of this part, to other persons or circumstances shall not be affected thereby.

Issued at Washington, D.C., this 7th day of August, 1959.

F. R. BURKE,

Acting Deputy Administrator.

[F.R. Doc. 59-6654; Filed, Aug. 11, 1959; 8:50 a.m.]

NOTICES

DEPARTMENT OF JUSTICE

Immigration and Naturalization Service

STATEMENT OF ORGANIZATION

Miscellaneous Amendments

Effective upon publication in the FEDERAL REGISTER, the following amendments to the Statement of Organization of the Immigration and Naturalization Service (19 F.R. 8071, December 8, 1954), as amended, are prescribed:

1. Districts Nos. 20 and 26 of Paragraph (b) *District Offices* of sec. 1.51 *Field Service* are amended to read as follows:

20. *Dallas, Texas.* The district office in Dallas, Texas, has jurisdiction over the State of Oklahoma and the following counties in Texas: Anderson, Andrews, Angelina, Archer, Armstrong, Austin, Bailey, Baylor, Borden, Bosque, Bowie, Brazoria, Eriscoe, Camp, Carson, Cass, Castro, Chambers, Cherokee, Childress, Clay, Cochran, Collin, Collingsworth, Colorado, Comanche, Cooke, Cottle, Crosby, Dallam, Dallas, Dawson, Deaf Smith, Delta, Denton, Dickens, Donley, Eastland, Ellis, Erath, Fannin, Fisher, Floyd, Foard, Fort Bend, Franklin, Freestone, Gaines, Galveston, Garza, Gray, Grayson, Gregg, Grimes, Hale, Hall, Hamilton, Hansford, Hardeman, Hardin, Harris, Harrison, Hartley, Haskell, Hemphill, Henderson, Hill, Hockley, Hood, Hopkins, Houston, Howard, Hunt, Hutchinson, Jack, Jasper, Jefferson, Johnson, Kaufman, Kent, King, Knox, Lamar, Lamb, Leon, Liberty, Limestone, Lipscomb, Lubbock, Lynn, Madison, Marion, Martin, Matagorda, Mitchell, Montague, Montgomery, Moore, Morris, Motley, Nacogdoches, Navarro, Newton, Nolan, Ochiltree, Oldham, Orange, Palo Pinto, Panola, Parker, Parmer, Polk, Potter, Rains, Randall, Red River, Roberts, Rockwall, Rusk, Sabine, San Augustine, San Jacinto, Scurry, Shackelford, Shelby, Sherman, Smith, Somervell, Stephens, Stonewall, Swisher, Tarrant, Terry, Throckmorton, Titus, Trinity, Tyler, Upshur, Van Zandt, Walker, Waller, Washington, Wharton, Wheeler, Wichita, Wilbarger, Wise, Wood, Yoakum, and Young.

26. *Atlanta, Georgia.* The district office in Atlanta, Georgia, has jurisdiction over the States of Georgia, South Carolina, Alabama, Tennessee, and Arkansas.

2. Subparagraph (2) *Ports of entry for aliens arriving by vessel or by land transportation* of paragraph (c) *Suboffices* of sec. 1.51 *Field Service* is amended in the following respects:

a. The list of Class A ports of entry of District No. 7—Buffalo, N.Y., is amended by adding “Massena, N.Y.” in alphabetical sequence and by deleting “Rooseveltown, N.Y.”

b. The list of Class A ports of entry of District No. 8—Detroit, Mich., is amended by adding the following port of entry in alphabetical sequence:

Jefferson Beach Marina, Jefferson Beach, St. Clair Shores, Mich. (May 15—Oct. 15)

Dated: August 6, 1959.

J. M. SWING,

Commissioner of

Immigration and Naturalization.

[F.R. Doc. 59-6638; Filed, Aug. 11, 1959; 8:47 a.m.]

FEDERAL POWER COMMISSION

[Docket No. G-18869]

CITIES SERVICE GAS CO.

Notice of Application and Date of Hearing

AUGUST 6, 1959.

Take notice that on June 29, 1959, Cities Service Gas Company (Applicant) filed in Docket No. G-18869 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation during the calendar year 1959 of minor, routine facilities for making direct industrial sales along Applicant's pipeline system traversing Texas, Oklahoma, Kansas, Nebraska, and Missouri, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The facilities proposed to be constructed under this “budget-type” application consists of miscellaneous meter and regulator equipment and branch lines to enable Applicant to make miscellaneous temporary and permanent direct

sales from its pipeline system during the calendar year 1959, at a total cost not to exceed \$75,000, with no single project to exceed a cost of \$6,000.

The anticipated temporary customers will be mostly road building contractors of which not more than 15 such projects, using an average of approximately 35,000 Mcf each, are expected to be attached during 1959.

Not more than 25 new permanent direct industrial customers, using an average of approximately 52,000 Mcf each per year, for processing in factories, for power for irrigation, or for space heating, are expected to be attached during 1959.

The estimated total amount of gas involved under this application, all of which, with minor exceptions, is stated to be interruptible, is 2,180,000 Mcf.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 15, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6641; Filed, Aug. 11, 1959; 8:48 a.m.]

[Docket No. G-18866]

PERMIAN BASIN PIPELINE CO.

Notice of Application and Date of Hearing

AUGUST 6, 1959.

Take notice that on June 26, 1959, Permian Basin Pipeline Company (Applicant) filed in Docket No. G-18266 an application pursuant to section 7(c) of the Natural Gas Act for a certificate of public convenience and necessity authorizing the construction and operation of a measuring station on Applicant's

existing 6-inch pipeline in Yoakum County, Texas, for the purpose of delivering residue gas from the Prentice Gasoline Plant to W. D. McBee, Jr., for use as fuel for the operation of irrigation pumps, all as more fully set forth in the application which is on file with the Commission and open to public inspection.

The estimated cost of the proposed measuring station is \$4,530, including interest and overheads, which Applicant will finance from funds on hand.

The estimated annual requirements of W. D. McBee, Jr., are 15,000 Mcf for the first year and up to 39,600 Mcf for the third year of service.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on September 17, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C. concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before September 4, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-6642; Filed, Aug. 11, 1959; 8:48 a.m.]

ATOMIC ENERGY COMMISSION

[Docket No. 50-132]

AMF ATOMICS

Notice of Issuance of Utilization Facility Export License

Please take notice that no request for a formal hearing having been filed following filing of notice of proposed action with the Federal Register Division the Atomic Energy Commission has issued license No. XR-29 to AMF Atomics, A Division of American Machine & Foundry Company, authorizing export of a research reactor to the University of Teheran, Teheran, Iran. The notice of the proposed issuance of this license was published in the FEDERAL REGISTER on

No. 157—8

May 8, 1959 (24 F.R. 3726) and described the reactor as a 5 megawatt pool-type research reactor.

Dated at Germantown, Md., this 5th day of August 1959.

For the Atomic Energy Commission.

R. L. KIRK,
*Deputy Director, Division of
Licensing and Regulation.*

[F.R. Doc. 59-6617; Filed, Aug. 11, 1959; 8:45 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 7-2011]

KENDALL CO.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in The Kendall Company common stock; File No. 7-2011.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 59-6619; Filed, Aug. 11, 1959; 8:45 a.m.]

[File No. 7-2012]

LITTON INDUSTRIES, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trad-

ing privileges in Litton Industries, Inc., common stock; File No. 7-2012.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DUBOIS,
Secretary.

[F.R. Doc. 69-6620; Filed, Aug. 11, 1959; 8:45 a.m.]

[File No. 7-2013]

SMITH-CORONA MARCHANT, INC.

Notice of Application for Unlisted Trading Privileges, and of Opportunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Smith-Corona Marchant Incorporated common stock; File No. 7-2013.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Pacific Coast Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information

contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-6621; Filed, Aug. 11, 1959;
8:45 a.m.]

[File No. 7-2014]

ZENITH RADIO CORP. (DELAWARE)
Notice of Application for Unlisted
Trading Privileges, and of Oppor-
tunity for Hearing

AUGUST 5, 1959.

In the matter of application by the Boston Stock Exchange for unlisted trading privileges in Zenith Radio Corporation (Delaware) common stock; File No. 7-2014.

The above named stock exchange, pursuant to section 12(f) (2) of the Securities Exchange Act of 1934 and Rule 12f-1 promulgated thereunder, has made application for unlisted trading privileges in the specified security, which is listed and registered on the New York Stock Exchange and Midwest Stock Exchange.

Upon receipt of a request, on or before August 21, 1959, from any interested person, the Commission will determine whether to set the matter down for hearing. Such request should state briefly the nature of the interest of the person making the request and the position he proposes to take at the hearing. In addition, any interested person may submit his views or any additional facts bearing on this application by means of a letter addressed to the Secretary of the Securities and Exchange Commission, Washington 25, D.C. If no one requests a hearing on this matter, this application will be determined by order of the Commission on the basis of the facts stated in the application and other information contained in the official file of the Commission pertaining to the matter.

By the Commission.

[SEAL] ORVAL L. DuBOIS,
Secretary.

[F.R. Doc. 59-6622; Filed, Aug. 11, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS
COMMISSION

[Docket Nos. 12997-12999; FCC 59-803]

GARDEN CITY BROADCASTING CO.
(WAUG) ET AL.

Order Designating Applications for
Consolidated Hearing on Stated
Issues

In re applications of Chester H. Jones and George C. Nicholson d/b as Garden City Broadcasting Company (WAUG), Augusta, Georgia, has 1050 kc, 1 kw, Day, requests 1050 kc, 5 kw, Day, Docket No. 12997, File No. BP-11590; Ben Akerman

and Thomas H. Maxwell, d/b as Radio Albany, Albany, Georgia, requests 1050 kc, 1 kw, Day, Docket No. 12998, File No. BP-12249; William E. Blizzard, Jr., and Lewis H. McKenzie, d/b as Macon County Broadcasting Company, Montezuma, Georgia, requests 1050 kc, 250 w, Day, Docket No. 12999, File No. BP-12522; for standard broadcast construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 10, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that, by amendment filed April 28, 1959, Macon County Broadcasting Company reduced power eliminating interference to the proposal of WAUG and Stations WBIE, Marietta, Georgia and WRFS, Alexander City, Alabama; and

It further appearing, That by letter received March 23, 1959, Station WFSC, Franklin, North Carolina agreed to accept the resulting interference in the event that the proposal of WAUG is granted; and

It further appearing, that, after consideration of the foregoing, and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Radio Al-

bany and Macon County Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WAUG and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of Station WAUG would involve objectionable interference with Stations WBIE, Marietta, Georgia and WLON, Lincolnton, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether interference received from WRFS, Alexander City, Alabama would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Radio Albany, in contravention of § 3.28(c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

6. To determine whether the antenna system proposed by Macon County Broadcasting Company would constitute a hazard to air navigation.

7. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That, Marietta Broadcasting Co., Inc., and Lincoln County Broadcasting Co., licensees of Stations WBIE and WLON, respectively, are made parties to the proceeding.

It is further ordered, That if the proposal of WAUG is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957, (Public Notice 46545, June 13, 1957) and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Com-

mission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6645; Filed, Aug. 11, 1959;
8:48 a.m.]

[Docket Nos. 13006-13009; FCC 59-812]

**NEWHALL BROADCASTING CO.
ET AL.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Manuel Martinez, tr/as Newhall Broadcasting Company, Newhall, California, req. 95.1 Mc, No. 236; 1 kw; 2128 ft., Docket No. 13006, File No. BPH-2550; American Broadcasting-Paramount Theatres, Inc. (KABC-FM), Los Angeles, California, has 95.5 Mc, No. 238; 4.3 kw; 2800 ft., req. 95.5 Mc, No. 238; 74.7 kw; 2915 ft., Docket No. 13007, File No. BPH-2628; Tri-Counties Public Service, Inc. (KUDU-FM), Ventura-Oxnard, California, has 95.1 Mc, No. 236; 24 kw; -16 ft., req. 95.1 Mc, No. 236; 28 kw; -27 ft., Docket No. 13008, File No. BMPH-5438; William E. Clark (KDOG), La Habra, California, has 95.9 Mc, No. 240; 480 w; 360 ft., req. 95.9 Mc, No. 240; 670 w; 8 ft. (Anaheim, Calif.), Docket No. 13009, File No. BMPH-5502; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, the instant applicants are legally, technically, financially, and otherwise qualified to operate and construct the instant proposals; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 12, 1959, and incorporated herein by reference, notified the applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and neces-

sity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicants' replies to the aforementioned letter have not entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues herein-after specified; and

It further appearing, that Tri-Counties Public Service, Inc., licensee of Station KUDU, Ventura-Oxnard, California, proposes to mount the FM antenna on the southwest tower of the directional antenna system of KUDU; and

It further appearing, that William E. Clark, permittee of Station KDOG, La Habra, California, proposes to mount the FM antenna on the No. 4 tower of the directional antenna system of Station KEZY, Radio Orange County, Inc., licensee, Anaheim, California; and

It further appearing, that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the proposed Newhall Broadcasting Company operation and the availability of other such FM broadcast service to the said areas and populations.

2. To determine the areas and populations within the 50 uv/m and 1 mv/m contours which may be expected to gain or lose service from the proposed operations of Station KABC-FM, KUDU-FM, and KDOG and the availability of other such FM broadcast service to such areas and populations.

3. To determine whether the instant proposal of Newhall Broadcasting Company would involve objectionable interference with Station KRHM, Los Angeles, California, and the operation proposed in BPH-2188, San Bernardino, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

4. To determine whether the instant proposal of KABC-FM would involve objectionable interference with the operation proposed in BPH-2188, San Bernardino, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

5. To determine whether the instant proposal of KDOG would involve objectionable interference with Station KRKD-FM, Los Angeles, California, or

any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

6. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if any, of the instant applications should be granted.

It is further ordered, That the KRHM Broadcasting Company, licensee of Station KRHM, Los Angeles, California; Telemusic Co., applicant (BPH-2188) for facilities in San Bernardino, California; and the Continental Telecasting Corporation, licensee of Station KRKD-FM, Los Angeles, California; are made parties to the proceeding.

It is further ordered, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, in the event of a grant of the application of Tri-Counties Public Service, Inc., licensee of Station KUDU, Ventura-Oxnard, California, as a result of the hearing proceeding, such grant shall contain a condition requiring that Station KUDU request permission from the Commission to determine power of KUDU by the indirect method; that during the installation period of the FM antenna KUDU shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation KUDU shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, KUDU shall submit Forms 302 to report the change.

It is further ordered, That in the event of a grant of the application of William E. Clark, Anaheim, California, as a result of the hearing proceeding, such grant shall contain a condition requiring that Radio Orange County, Inc., licensee of Station KEZY, Anaheim, California, request permission from the Commission to determine power of KEZY by the indirect method, that during the installation period of the FM antenna KEZY shall maintain the directional antenna system as closely as possible to values appearing in the license; and that upon completion of the installation KEZY shall submit sufficient data to show that the directional antenna pattern remains substantially unchanged, but if there is any change in the antenna or common point resistance, KEZY shall submit Forms 302 to report the change.

It is further ordered, That, the issues in the above-captioned proceeding may

be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6646; Filed, Aug. 11, 1959;
8:49 a.m.]

[Docket Nos. 12993-12996; FCC 59-801]

S & W ENTERPRISES, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of S & W Enterprises, Inc., Woodbridge, Virginia, requests 900 kc, 1 kw, DA-Day, Docket No. 12993, File No. BP-11438; Interurban Broadcasting Corporation, Laurel, Maryland, requests 900 kc, 1 kw, DA-Day, Docket No. 12994, File No. BP-12058; Rollins Broadcasting of Delaware, Inc. (WJWL), Georgetown, Delaware, has 900 kc, 1 kw, Day, requests 900 kc, 5 kw, DA-Day, Docket No. 12995, File No. BP-12229; Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company, Laurel, Maryland, requests 900 kc, 1 kw, DA-Day, Docket No. 12996, File No. BP-12841; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, S & W Enterprises, Inc., Interurban Broadcasting Corporation and Rollins Broadcasting of Delaware, Inc., are legally, technically, financially, and otherwise qualified to construct and operate their instant proposals; and

It further appearing, that Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company is legally, technically, and otherwise qualified but is not financially qualified to construct and operate its instant proposal since the amendment filed May 15, 1959 failed to disclose a firm commitment for deferred credit in purchasing necessary equipment and did not satisfactorily establish that the valuation given the listed securities is the real market value or that such stock is readily marketable; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 8, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the

grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants except BP-12229, filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that in the event either Laurel proposal is favored in the hearing ordered below, the construction permit should contain a condition that the permittee take appropriate steps to minimize the radiation of radio frequency harmonics and other spurious radiations to very low levels, particularly those radiations occurring above 1605 kilocycles; and furthermore, upon being advised by the engineer in charge of the Laurel monitoring station that such emissions are causing interference to monitoring operations, the permittee shall take immediate action to further reduce the strength of these extraneous emissions to the point where they are no longer objectionable; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from S & W Enterprises, Inc., Interurban Broadcasting Corporation and Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WJWL and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the interference received from any of the other proposals herein and any existing stations would affect more than ten percent of the population within the normally pro-

tected primary service area of any one of the instant proposals in contravention of § 3.28(c)(3) of the Commission rules and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal of S & W Enterprises, Inc. would involve objectionable interference with Station WRNL, Richmond, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine whether the instant proposal of WJWL would involve objectionable interference with Station WIAM, Williamston, North Carolina, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

7. To determine whether Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company is financially qualified to construct and operate its proposed station.

8. To determine whether the antenna system proposed by Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company would constitute a hazard to air navigation.

9. To determine whether the instant proposal of S & W Enterprises, Inc., would provide the coverage of the city sought to be served, as required by § 3.188(b)(1) and (2) of the Commission rules.

10. To determine whether the transmitter site proposed by WJWL is satisfactory with particular regard to any conditions that may exist in the vicinity of the antenna system which would distort the proposed antenna radiation pattern.

11. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, whether the proposal for Woodbridge, Virginia; Laurel, Maryland or Georgetown, Delaware would better provide a fair, efficient and equitable distribution of radio service.

12. To determine, in the event it is concluded pursuant to the foregoing issue that one of the proposals for Laurel, Maryland should be favored, which of the proposals of Interurban Broadcasting Corporation or Milton Grant and James R. Bonfils d/b as Laurel Broadcasting Company would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

(b) The proposal of each with respect to the management and operation of the proposed station.

(c) The programming services proposed in each of the said applications.

13. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Richmond Newspapers, Inc., and East Carolina Broadcasting Co., licensees of Stations WRNL and WLAM, respectively, are made parties to the proceeding.

It is further ordered, That, in the event of a grant of the application of Interurban Broadcasting Corporation or Laurel Broadcasting Company, the construction permit shall contain a condition that the permittee take appropriate steps to minimize the radiation of radio frequency harmonics and other spurious radiations to very low levels, particularly those radiations occurring above 1605 kilocycles. Furthermore, upon being advised by the engineer in charge of the Laurel monitoring station that such emissions are causing interference to monitoring operations, the permittee shall take immediate action to further reduce the strength of these extraneous emissions to the point where they are no longer objectionable.

It is further ordered, That, if the proposal of WJWL is favored, it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957 (Public Notice 46545, June 18, 1957), and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6647; Filed, Aug. 11, 1959;
8:49 a.m.]

[Docket Nos. 13004, 13005; FCC 59-807]

SOUTHEAST MISSISSIPPI BROADCASTING CO. (WSJC) AND JEFF DAVIS BROADCASTING SERVICE

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Marvin L. Mathis, Robin H. Mathis, Ralph C. Mathis, Rad W. Mathis, and John B. Skelton, Jr., d/b as Southeast Mississippi Broadcasting Company (WSJC), Magee, Mississippi, has 1280 kc, 500 w, Day, requests 790 kc, 1 kw, Da-Day, Docket No. 13004, File No. BP-11869; Jesse R. Williams, tr/as Jeff Davis Broadcasting Service, Prentiss, Mississippi, requests 790 kc, 500 w, Day, Docket No. 13005, File No. BP-12753; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated June 24, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of the said applications and requiring a hearing on the particular issues hereinafter specified; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing, that in the Commission's said letter it was pointed out that Jeff Davis Broadcasting Service had submitted insufficient information from which to determine that it was financially qualified; but that, in a timely reply, the applicant showed total funds available of \$18,685, and equipment manufacturer's credit of \$9,750; and that we have determined from the showing that the applicant has sufficient funds to meet the \$14,287 necessary for the construction and early operation of the proposed station; and that the applicant is, therefore, financially qualified; and by

amendment filed July 14, 1959, WSJC requested a waiver of § 3.30(a) of the Commission rules, but it cannot be determined on the basis of the information submitted whether circumstances exist which would warrant a waiver of said section; and

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of Jeff Davis Broadcasting Service and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WSJC and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether interference received from Station WMC, Memphis, Tennessee would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of Jeff Davis Broadcasting Service, in contravention of § 3.28(c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

5. To determine whether the instant proposal of WSJC is in compliance with § 3.30(a) of the Commission rules with respect to location of the main studio, and, if not, whether circumstances exist which would warrant a waiver of the said section.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days

of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6648; Filed, Aug. 11, 1959;
8:49 a.m.]

[Docket Nos. 12991, 12992; FCC 59-799]

**SUBURBAN BROADCASTING CO.,
INC., AND CAMDEN BROADCAST-
ING CO.**

**Order Designating Applications for
Consolidated Hearing on Stated
Issues**

In re applications of Suburban Broadcasting Company, Inc., Mount Kisco, New York, req. 105.7 Mc, No. 289; 8.3 kw; 612 ft., Docket No. 12991, File No. BPH-2620; Donald Jerome Lewis tr/as Camden Broadcasting Co., Newark, New Jersey, req. 105.9 Mc, No. 290; 3.219 kw; 388 ft., Docket No. 12992, File No. BPH-2624; for construction permits for new FM broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above-captioned and described applications:

It appearing, that, except as indicated by the issues specified below, each of the instant applicants is legally, technically, financially and otherwise qualified to operate its instant proposal; and

It further appearing, that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated May 7, 1959, and incorporated herein by reference, notified the instant applicants, and any known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant of either

application and requiring a hearing on the particular issues hereinafter specified; and

It further appearing, that the service area of Suburban Broadcasting Company, Inc., would substantially overlap the service area of Station WVOX-FM, in contravention of § 3.240 of the Commission's rules; but that, in a letter dated March 6, 1959, Suburban Broadcasting Company, Inc., stated that it was willing to accept a grant of its application conditioned upon not commencing program tests or other regular operation until WVOX-FM ceases operation; and

It further appearing, that, in a letter dated June 8, 1959, Concert Network, Inc., licensee of Station WHCN, Hartford, Connecticut, claims that it would receive interference beyond its normally protected primary service area from the instant proposals; that it would be injured by a grant of either proposal because its existence depends on advertising revenues derived from service to areas achieved by an off-the-air network arrangement between Concert Network's four stations (WBCN, Boston, Massachusetts; WXCN, Providence, Rhode Island; WHCN, Hartford, Connecticut; and WNCN, New York City); and that "the fact that it can claim and substantiate such coverage accounts for the use of the 'network' by so many advertisers even though it is solely an FM operation unsupported by AM stations", Metropolitan Television Co. v. United States, et al., 12 Pike & Fischer RR 2001; and

It further appearing, that, § 3.204(a) of the Commission rules provides that the service area of a Class B station will not be protected beyond its 1 mv/m contour; that the allegations set forth by Concert Network, Inc., have raised no substantial questions as to its being entitled to protection beyond the normally protected 1 mv/m contour since no engineering data has been submitted showing that it maintains a minimum signal capable of providing primary service beyond the 1 mv/m contour; that Concert Network, Inc., has made no showing that the public interest would be served by our extending to Station WHCN protection beyond that provided for in § 3.204(a); and the requested issue would serve no useful purpose in the hearing ordered below; and that the request therefor should be denied.

It further appearing, that, after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of either application would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below:

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the operations proposed, respectively, by Suburban Broadcasting Company, Inc., and Camden Broadcast-

ing Co., and the availability of other such FM broadcast service to the said areas and populations.

2. To determine whether the proposal of Suburban Broadcasting Company, Inc., would involve objectionable interference with Station WHCN, Hartford, Connecticut, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations involved, and the availability of other service to such areas and populations.

3. To determine whether the proposal of Suburban Broadcasting Company, Inc., is in accordance with § 3.313(c) of the Commission's rules with respect to the frequency separation between Class B stations in the same metropolitan district, and if not, to determine whether a waiver of § 3.313(c) should be granted.

4. To determine whether considerations with respect to section 307(b) of the Communications Act of 1934, as amended, are applicable to the instant proceeding, and, if so, whether a choice between the applications herein can be reasonably based thereon, and, if so, whether a grant to one or the other of the applicants would provide the more fair, efficient and equitable distribution of radio service.

To determine, in the event it is concluded that a choice between the instant applications cannot be made on considerations relating to section 307(b), which of the operations proposed in the above captioned applications would better serve the public interest in the light of the evidence adduced pursuant to the foregoing issues and the record made with respect to the significant differences between the applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate the proposed station.

(b) The proposals of each of the instant applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the instant applications.

5. To determine, in the light of the evidence adduced pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

It is further ordered, That Concert Network, Inc., licensee of Station WHCN, Hartford, Connecticut, is made a party to the proceeding.

It is further ordered, That, in the event of a grant of the application of Suburban Broadcasting Company, Inc., as a result of the hearing proceeding, the construction permit shall contain a condition that it not commence program tests until WVOX-FM ceases operation.

It is further ordered, That, the above-referenced request of Concert Network, Inc., for the inclusion of an issue as to the effect of either instant proposal on the network operations of Concert Network, Inc., is denied.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of facts in support thereof, by the addition of the following

issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6649; Filed, Aug. 11, 1959;
8:49 a.m.]

[Docket Nos. 13000-13003; FCC 59-805]

WJIV, INC., ET AL.

Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of WJIV, Inc. (WJIV), Savannah, Georgia, has 900kc, 1kw, Day, requests 900kc, 5kw, Day, Docket No. 13000, File No. BP-11364, Louis M. Neale, Jr., North Charleston, South Carolina, requests 910 kc, 500 w, Day, Docket No. 13001, File No. BP-11886; WORD, Inc. (WORD), Spartanburg, South Carolina, has 910kc, 1kw, DA-2, U, requests 910kc, 1kw, 5kw-LS, DA-2, U, Docket No. 13002, File No. BP-12537; Richard F. Kamradt and Robert S. Tamblin, d/b as KTM Broadcasting Company, North Charleston, South Carolina, requests 910kc, 500w, Day, Docket No. 13003, File No. BP-12579; for construction permits.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 29th day of July 1959;

The Commission having under consideration the above captioned and described applications;

It appearing, that, except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 10, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing, that the instant applicants, except WJIV, Inc., filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants, except WORD, Inc., stated that they would appear at a hearing on the instant applications; and

It further appearing, that legal counsel for WORD, Inc., in a letter filed on May 12, 1959, states that counsel for Louis M. Neale, Jr. and the KTM Broadcasting Company, have each agreed to accept the resulting interference from the WORD proposal, providing such interference would not cause either proposal to be in contravention of § 3.28(c) of the Commission rules; but that there has been filed no such agreements by the said applicants themselves; and

It further appearing, that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposals of Louis M. Neale, Jr. and KTM Broadcasting Company and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WJIV and WORD and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of WJIV, Inc., would involve objectionable interference with Stations WMOP, Ocala, Florida and WSWN, Belle Glade, Florida, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposals of Louis M. Neale, Jr. and KTM Broadcasting Company would involve objectionable interference with Station WJIV, Savannah, Georgia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the event it is concluded pursuant to the foregoing issue

that one of the proposals for North Charleston, South Carolina should be favored, which of the proposals of Louis M. Neale, Jr., and KTM Broadcasting Company, would better serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

(a) The background and experience of each having a bearing on the applicant's ability to own and operate its proposed station.

(b) The proposals of each of the applicants with respect to the management and operation of the proposed station.

(c) The programming service proposed in each of the said applications.

8. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if any, of the instant applications should be granted.

It is further ordered, That Andrew B. Letson, and Seminole Broadcasting Company, licensees of Station WMOP and WSWN, respectively, are made parties to the proceeding, and WJIV, Inc., is made a party to the proceeding with respect to the existing operation of Station WJIV.

It is further ordered, That, if the proposal of WJIV is favored it will be held in hearing status without final action until ratification and entry into force of the U.S./Mexican Agreement, 1957, (Public Notice 46545, June 13, 1957) and, in the event that the reasons for designating said application for hearing are removed before the hearing proceeding is concluded, the application will be removed from hearing status and held without further action pending ratification and entry into force of the U.S./Mexican Agreement, 1957.

It is further ordered, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

It is further ordered, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: August 7, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-6650; Filed, Aug. 11, 1959;
8:49 a.m.]

DEPARTMENT OF AGRICULTURE
Commodity Credit Corporation
SALES OF CERTAIN COMMODITIES
August 1959 Monthly Sales List

Pursuant to the policy of Commodity Credit Corporation issued October 12, 1954 (19 F.R. 6669) and subject to the conditions stated therein, the commodities listed below are available for sale in the quantities stated and on the price basis set forth. The Commodity Credit Corporation will entertain offers from prospective buyers for the purchase of any such commodity.

Applicable interest rates on credit sales made in August under the Export Sales Announcement GSM 1 are as follows:

For periods up to and including 6 months, 4½ percent per annum.

For periods over 6 months up to and including 18 months, 5 percent per annum.

For periods over 18 months up to and including 36 months, 5½ percent per annum.

NOTICE TO BUYERS

If CCC does not have adequate information as to the financial responsibility of prospective buyer to meet all contract obligations that might arise by acceptance of an offer or if CCC deems such buyer's financial responsibility to be inadequate CCC reserves the right (i) to refuse to consider the offer (ii) to accept the offer only after submission by the buyer of a certified or cashier's check, bond, letter of credit or other security acceptable to CCC assuring that the buyer will discharge the responsibility under the contract, or (iii) to accept the offer upon condition that the buyer promptly submit to CCC such of the aforementioned security as CCC may direct.

If a prospective buyer is in doubt as to whether CCC is acquainted with his financial responsibility he should communicate with the CSS Office at which the offer is to be placed to determine whether a financial statement or advance financial arrangement will be necessary in his case.

Announcements containing the contractual terms and conditions of sale for the respective commodities will be furnished upon request. For ready reference a number of these announcements are identified by code number in the following list. Commodity Credit Corporation reserves the right to amend, from time to time, any of its announcements which amendments shall be applicable to and be made a part of the sale contracts thereafter entered into.

CCC reserves the right to reject any or all offers placed with it for the purchase of commodities pursuant to such announcements.

Disposals and other handling of inventory items often result in small quantities at given locations or in qualities not up to specifications. These lots are offered promptly upon appearance by public notice issued by the appropriate CSS Office and therefore generally they do not appear in the Monthly Sales List.

NOTICE TO EXPORT BUYERS

On sales for which the buyer is required to submit proof to CCC of exportation the buyer shall be regularly engaged in the business of buying or selling commodities and for this purpose shall maintain a bona fide business office in the United States, its territories or possessions, and have a person, principal,

or resident agent upon whom service or judicial process may be had.

Prospective buyers for export should note that generally, sales to United States Government agencies, with only minor exceptions, will constitute a domestic unrestricted use of the commodity.

Commodity Credit Corporation reserves the right, before making any sale, to define or limit export areas.

Commodity	Sales Price or Method of Sale
Dairy products.....	All sales except butter for restricted domestic use under LD-31 are under LD-29 and amendments. All sales are in carlots only. As many as 3 buyers may participate in purchasing a single carlot. Domestic prices: For unrestricted use price is "in store" at storage locations of products. For restricted use price is on the basis of delivery f.o.b. cars at point of use named in offer. CCC will convert to "in store" price as provided in LD-29. Export prices are on the basis of delivery f.a.s. vessel or at buyers option f.o.b./cars point of export. If delivery is to be "in store" CCC will convert to "in store" price as provided in LD-29. During August, Commodity Credit Corporation's sales price for butter and nonfat dry milk for export shall be 8.0 cents per pound for nonfat dry milk and 40.0 cents per pound for butter; <i>Provided, however</i> , that Commodity Credit Corporation's prices for these commodities if used to fulfill contractual commitments with foreign buyers entered into prior to February 1, 1959, shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959, unless an amendment to such contractual commitment is made providing for a decrease in the respective prices to the foreign buyers equal to the difference between Commodity Credit Corporation's January and August 1959 prices; <i>Provided also</i> that Commodity Credit Corporation's prices for these commodities if used to fulfill any contractual commitments entered into with foreign buyers during the period February 1, 1959, and ended June 30, 1959, shall be the export sales price in effect for export sales of these products by CCC during such period; <i>Provided, further</i> , that Commodity Credit Corporation's prices for these commodities if used to fulfill any contractual commitments entered into prior to February 1, 1959, with U.S. Government Agencies which execute the certificates required by paragraph 11(c) of LD-29 shall be the export prices in effect for export sales of these products by Commodity Credit Corporation during the month of January 1959. Offers to purchase from CCC butter and nonfat dry milk for export shall state (1) that offer is pursuant to Announcement LD-29 and the price and other conditions in the August 1959 Monthly Sales List, (2) that offer is to fulfill Public Law 480 commitments (if so) and (3) either (a) date of contract of sale to foreign buyer of U.S. Government Agency (if any) and, if such date is prior to February 1, 1959, whether the sales prices to the foreign buyers have been reduced as required or (b) that the required exportation of dairy products will not be pursuant to any contract of sale made before August 1959. Submission of offers: For products in Arizona, California, Idaho, Nevada, Oregon, Utah, and Washington, submit offers to the Portland CSS Commodity Office. For products in other States and the District of Columbia, submit offers to the Cincinnati CSS Commodity Office.
Butter.....	Domestic, unrestricted use: 66.25 cents per pound, New York, Pennsylvania, New Jersey, New England and other States bordering the Atlantic Ocean and Gulf of Mexico. 65.5 cents per pound, Washington, Oregon, and California. All other States 65.25 cents per pound. Domestic, restricted use: For use as an extender for cocoa butter in the manufacture of chocolate and in such a manner as will not displace other dairy products from use in the manufacture of other products made from chocolate, 40 cents per pound. Export, unrestricted use: 40 cents per pound. Domestic, unrestricted use: Spray process, U.S. extra grade; in barrels and drums, 16.0 cents per pound; in bags, 15.15 cents per pound. Roller process, U.S. extra grade: in barrels and drums, 14.00 cents per pound; in bags, 13.15 cents per pound. Domestic, restricted use (animal and poultry feed); in barrels, drums, or bags 10.65 cents per pound. Export, unrestricted use: Spray or roller process, U.S. extra grade, in barrels, drums, or bags, 8.0 cents per pound. Domestic, unrestricted use: 38.0 cents per pound for New York, Pennsylvania, New England, New Jersey, and other States bordering the Atlantic and Pacific and Gulf of Mexico. All other States 37.0 cents per pound. Export, unrestricted use: 35 cents per pound. Cheese prices are subject to usual adjustment for moisture content.
Nonfat dry milk, spray, roller, as available.	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcement CN-A (Sales by Local Sales Agencies of Choice (A) Cotton for Unrestricted Use), Announcement NO-C-12 (Sale of 1958 and Prior Crop Cotton for Unrestricted Use), and Announcement NO-C-13 (Sale of 1959-Crop Choice (A) Cotton for Unrestricted Use). Under CN-A, cotton to be sold at highest price offered but in no event at less than 110 percent of the applicable Choice (B) support price. Under NO-C-12 and NO-C-13, cotton in CCC's catalogs to be sold at highest price offered but in no event at less than the higher of (1) the market price as determined by CCC or (2) 110 percent of the applicable Choice (B) support price.
Cheddar Cheese, cheddars, flats, twins, rindless blocks (standard moisture basis).	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-8, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland cotton (except cotton offered under CN-A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A may be obtained from local sales agencies.
Cotton, upland.....	Domestic or export, unrestricted use: Competitive bid and under the terms and conditions of Announcements NO-C-8, as amended, and NO-C-10, as amended, but not less than the higher of (1) 105 percent of the current support price plus reasonable carrying charges, or (2) the domestic market price as determined by CCC. Catalogs for upland cotton (except cotton offered under CN-A) and extra long staple cotton showing quantities, qualities, and locations may be obtained for a nominal fee from the New Orleans CSS Commodity Office. Catalogs or lists of cotton offered under CN-A may be obtained from local sales agencies.
Cotton, extra long staple.....	Domestic, unrestricted use: Commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rates plus 17 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW \$2.24 Minneapolis, No. 1 DNS 2.31 Kansas City, No. 1 HW 2.24 Portland, No. 1 SW 2.15
Wheat, bulk.....	Domestic, unrestricted use: Commercial wheat-producing area: Market price basis in store but not less than the 1959 applicable loan rates plus 17 cents per bushel if received by truck or (2) 12 cents per bushel if received by rail or barge. If delivery is outside the area of production, applicable freight will be added to the above. Examples of the foregoing minimum price per bushel (exrail or barge): Chicago, No. 1 RW \$2.24 Minneapolis, No. 1 DNS 2.31 Kansas City, No. 1 HW 2.24 Portland, No. 1 SW 2.15

See footnotes at end of table.

Commodity	Sales Price or Method of Sale	Commodity	Sales Price or Method of Sale										
Wheat, bulk—Continued	<p>Noncommercial wheat-producing area: Same basis as in commercial area except 133 percent of applicable support rate.</p> <p>Export (as wheat): Under Announcement GR-261 revised, as amended, for application to barter contracts and approved credit sales only at prices determined daily, and under Announcement GR-212 revised, amended, for specific offerings as announced. Disposals under Payment-in-Kind Program under Announcement GR-345.</p> <p>Available: Evanston, Dallas, Kansas City, Minneapolis, and Portland OSS Commodity Offices.</p> <p>Domestic, unrestricted use: Commercial corn-producing area: Market price, basis in store, but not less than the 1958 applicable loan rate for corn produced in compliance with 1958 acreage allotments plus: (1) a markup of 22 cents per bushel for corn in storage at point of production, (2) a markup of 20 cents per bushel and the rail freight from point of production to the present point of storage for corn in storage at other than the point of production.</p> <p>Examples of the foregoing minimum price per bushel for No. 2 yellow corn, 13.3 percent moisture and 1.4 percent foreign material including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis, respectively.</p> <p>Chicago.....\$1.78 Minneapolis.....1.61½</p> <p>Noncommercial corn-producing area: Market price, basis in store, but not less than 133 percent of the applicable 1958 loan rate plus markups as above.</p> <p>Non-storable corn, unrestricted use, (as available): At other than bin sites, through the offices indicated below. At bin sites, through ASC County Offices.</p> <p>Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind program.</p> <p>Available: Evanston, Dallas, Kansas City, Minneapolis and Portland OSS Commodity Offices.</p> <p>Domestic, unrestricted use: Market price, basis in store, but not less than the 1959 applicable loan rate, plus (1) a markup of 7 cents per bushel for oats in storage at point of production, (2) a markup of 9 cents per bushel and the rail freight from point of production to present point of storage for oats in storage at other than the point of production.</p> <p>Examples of the foregoing minimum price per bushel including average paid-in freight from Woodford County, Ill., to Chicago and Redwood County, Minn., to Minneapolis respectively.</p> <p>Chicago, No. 3 oats.....\$0.67½ Minneapolis, No. 3 oats......68½</p> <p>Export under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind program.</p> <p>Available: Minneapolis, Evanston, Kansas City, Portland and Dallas OSS Commodity Offices.</p> <p>Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 10 cents per bushel if received by truck or (2) 7 cents per bushel if received by rail or barge.</p> <p>If delivery is outside the area of production, applicable freight will be added to the above.</p> <p>Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 or better.....\$1.07</p> <p>Export: Under Announcement GR-212 revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind program.</p> <p>Available: Minneapolis, Evanston, Kansas City, Portland and Dallas OSS Commodity Offices.</p> <p>Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 13 cents per bushel if received by truck or (2) 8 cents per bushel if received by rail or barge.</p> <p>If delivery is outside the area of production, applicable freight will be added to the above.</p> <p>Example of the foregoing minimum price per bushel (ex-rail or barge): Minneapolis, No. 2 or better.....\$1.21</p> <p>Export: Under Announcement GR-212, revised, amended, for application to approved credit and emergency sales, and under Announcement GR-368 for Feed Grain Payment-in-Kind program.</p> <p>Available: Domestic: Evanston, Minneapolis, Kansas City, and Portland OSS Commodity offices.</p> <p>Export: Minneapolis, Evanston, Portland, Dallas and Kansas City OSS Commodity offices.</p> <p>Domestic, unrestricted use: Market price basis in store but not less than the 1959 applicable loan rates plus (1) 22 cents per hundredweight if received by truck or (2) 13 cents per hundredweight if received by rail or barge.</p> <p>If delivery is outside the area of production, applicable freight will be added to the above.</p> <p>Example of the foregoing minimum price per hundredweight (ex-rail or barge): Kansas City, No. 2 or better.....\$2.63</p>	Grain sorghums—Continued	<p>Export: Under Announcement GR-212, revised, amended, for application to barter contracts and approved credit and emergency sales, and under Announcement GR-368, for Feed Grain Payment-in-Kind Program.</p> <p>Available: Domestic: Dallas, Portland, Kansas City, Minneapolis and Evanston OSS Commodity Offices.</p> <p>Export: Evanston, Dallas, Kansas City, Minneapolis and Portland OSS Commodity Offices.</p> <p>Domestic, unrestricted use: Market price but not less than equivalent 1959 loan rate for rough rice by varieties and grades plus 5 percent, adjusted for millage, plus 11 cents per hundredweight basis in store. Price and quantities available by varieties and grades may be obtained from Dallas and Portland OSS Commodity Offices.</p> <p>Example of minimum prices of milled per hundredweight, at mills: (Based on preliminary support rate but subject to change).</p> <table border="1" data-bbox="341 94 446 724"> <tr> <td></td> <td>U.S. No. 3</td> <td>U.S. No. 4</td> </tr> <tr> <td>Blue Bonnet.....</td> <td>\$9.15</td> <td>\$8.44</td> </tr> <tr> <td>Century Patra.....</td> <td>8.40</td> <td>7.77</td> </tr> </table> <p>Export: Under GR-370 for application to approved barter order commitments and approved credit sales. Prices and quantities available by varieties and grades may be obtained from Dallas and Portland OSS Commodity Offices. Special export: Competitive bid for very limited quantities California Rice under GR-PD-59 (revised).</p> <p>Domestic, unrestricted use: Market price but not less than the 1959 loan rate plus 5 percent, plus 11 cents per hundredweight, basis in store.</p> <p>Export: As milled or brown under Announcement GR-369 Rice, Export Program Payment-in-Kind, and under GR-370 for approved credit sales.</p> <p>Prices, quantities, and varieties of rough rice available from Dallas OSS Commodity Office.</p> <p>Domestic, unrestricted use: Domestic market price but not less than the following minimum price per hundredweight for U.S. No. 1 f.o.b. indicated point of production, amount of rail freight to be added as applicable. For other grades, adjust by market differentials. In other areas, adjust by the 1958 price support differential.</p>		U.S. No. 3	U.S. No. 4	Blue Bonnet.....	\$9.15	\$8.44	Century Patra.....	8.40	7.77	
	U.S. No. 3	U.S. No. 4											
Blue Bonnet.....	\$9.15	\$8.44											
Century Patra.....	8.40	7.77											
Corn, bulk.....		Rice, milled (as available).....											
Oats, bulk.....		Rice, rough.....											
Barley, bulk.....		Dry edible beans (hogged) (as available).....											
Rye, bulk.....		Soybeans, bulk (as available) 1957 and 1958 crop.....	<p>Other classes offered as available.</p> <p>Export: Competitive bids under Announcement GR-376 as announced by the Portland OSS Commodity Office.</p> <p>Domestic for crushing or export: Market price basis in store but not less than the 1958 basic loan rate for No. 2 grade, basis point of production plus 1/2 cents per bushel. Market discounts for quality factors will be applied to the basic price to determine the actual minimum sales prices. If delivery is outside the area of production, applicable freight and out-of-warehouse charges at country loading point and in-warehouse charges at subterminal or terminal storage point will be added to the above price.</p> <p>Sales of 1957 crop soybeans for application to barter contracts will be made under GR-212, revised, amended.</p> <p>Available: Evanston, Kansas City, and Minneapolis OSS Commodity Offices.</p> <p>Domestic for crushing or export: Minneapolis OSS Commodity Office: Market price basis in store but not less than the 1953 crop support rate for grade No. 1 with 10.6-11.0 moisture.</p> <p>Portland OSS Commodity Office: Market price but not less than \$3.06 per net bushel, basis in store Los Angeles, for grade No. 1 with 10.6-11.0 moisture. Premiums and discounts provided in loan bulletin to apply to other qualities.</p> <p>Domestic, unrestricted use: 1958 support price plus 8 percent, adjusted for millage, plus reasonable carrying charges, but not less than market price.</p> <p>Examples of the foregoing minimum price per pound:</p> <table border="1" data-bbox="1258 94 1372 724"> <tr> <td>Whites:</td> <td>Cents</td> </tr> <tr> <td>Extra large.....</td> <td>21 1/2</td> </tr> <tr> <td>Medium.....</td> <td>21 1/8</td> </tr> <tr> <td>No. 1.....</td> <td>20 3/4</td> </tr> <tr> <td>Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended.</td> <td></td> </tr> </table>	Whites:	Cents	Extra large.....	21 1/2	Medium.....	21 1/8	No. 1.....	20 3/4	Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended.	
Whites:	Cents												
Extra large.....	21 1/2												
Medium.....	21 1/8												
No. 1.....	20 3/4												
Domestic for crushing or export: Competitive bid under CCC Peanut Announcement 1, as amended.													
Grain sorghums, bulk.....		Flaxseed, bulk (as available).....											

See footnotes at end of table.

Commodity	Sales Price or Method of Sale
Peanuts, farmers stock (as available).	Domestic for crushing or export: Competitive bid under Announcement 1, as amended. Available Dallas CSS Commodity Office.
Tung oil	Export: Competitive bid under Announcement OT-OP-10 by Cincinnati CSS Commodity Office.
Burley tobacco	Domestic (unrestricted use) or export: Competitive bid under the terms and conditions of announcements issued and to be issued. These announcements cover various lots totalling about 6 million pounds. Copies of announcements issued may be obtained from the Tobacco Division, Commodity Stabilization Service, U.S. Department of Agriculture, Washington 25, D.C. or Burley Tobacco Growers Coop. Association, 620 South Broadway, Lexington, Kentucky.
Gum rosin	Domestic, unrestricted use: Offer and acceptance basis, in galvanized metal drums (approximating 517 pounds net) in the stated quantities and on the designated storage yards, subject to the terms and conditions of Announcement TB-21-59 and supplements thereto which will be issued periodically during the month. Available through the American Turpentine Farmers Association Cooperative, Valdosta, Georgia. Export: Competitive bids for rosin in storage subject to Announcement TB-21-59 and weekly supplements thereto.

¹ At the processor's plant or warehouse but with any prepaid storage and outhandling charges for the benefit of the buyer.

² In those counties in which grain is stored in CCC bin sites delivery will be made f.o.b. buyer's conveyance at bin sites without additional cost; sales will also be made in store approved warehouses in such county and adjacent counties at the same price, provided the buyer makes necessary arrangements with the warehouse.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 407, 63 Stat. 1055; 7 U.S.C. 1427, sec. 208, 63 Stat. 901)

Issued August 6, 1959.

WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-6655; Filed, Aug. 11, 1959; 8:50 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 96]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICES

AUGUST 7, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Deviation Rules Revised, 1957 (49 CFR 211.1(c) (8)), and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 67646 (Sub No. 2) (Deviation No. 6) Correction, HALL'S MOTOR TRANSIT COMPANY, P. O. Box 738, Sunbury, Pa., filed July 14, 1959.

Previous publication on page 6064 of the issue of the FEDERAL REGISTER July 29, 1959, showed the docket number assigned to the subject filing as No. MC 67642 (Sub No. 2), in error, the correct

docket number assigned is as shown above, No. MC 67646 (Sub No. 2).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6634; Filed, Aug. 11, 1959; 8:47 a.m.]

[Notice 166]

MOTOR CARRIER TRANSFER PROCEEDINGS

AUGUST 7, 1959.

Synopses of orders entered pursuant to section 212(b) of the Interstate Commerce Act, and rules and regulations prescribed thereunder (49 CFR Part 179), appear below:

As provided in the Commission's special rules of practice any interested person may file a petition seeking reconsideration of the following numbered proceedings within 20 days from the date of publication of this notice. Pursuant to section 17(8) of the Interstate Commerce Act, the filing of such a petition will postpone the effective date of the order in that proceeding pending its disposition. The matters relied upon by petitioners must be specified in their petitions with particularity.

No. MC-FC 62175. By order of July 31, 1959, the Transfer Board approved the transfer to Geo. W. Smith, Jr., Cortez, Colo., of Certificate in No. MC 112500 Sub 1, issued July 22, 1952, to Earl E. Stuller, Grand Junction, Colo., authorizing the transportation of: Uranium and vanadium ores, in bulk, from points in Grand and San Juan Counties, Utah, to Rifle and Grand Junction, Colo. O. Russell Jones, 54½ East San Francisco Street, Santa Fe, N. Mex., for applicants.

No. MC-FC 62266. By order of July 31, 1959, the Transfer Board approved the transfer to North East Van Lines, Inc., 155 Cabot Street, Milton, Mass., of Certificate No. MC 16892, issued March 17, 1941, to Nally Movers, Inc., 50 Waltham Street, Watertown, Mass., authorizing the transportation of: Household goods, between Watertown, Mass., and points within ten miles of Watertown, on the one hand, and, on the other, points in Massachusetts, Maine, New Hampshire, Vermont, Rhode Island, Connecticut, New York, New Jersey, and Pennsylvania.

No. MC-FC 62289. By order of July 31, 1959, the Transfer Board approved the transfer to Roe Movers, Inc., Poughkeepsie, N.Y., of Certificate No. MC 13712, issued July 11, 1955, to Leslie C. Roe and Irene G. Roe, a partnership, doing business as Roe Movers, Poughkeepsie, N.Y., authorizing the transportation of: Household goods, between Poughkeepsie, N.Y., and points within 30 miles of Poughkeepsie, on the one hand, and, on the other, points in New York, New Hampshire, Vermont, Connecticut, Massachusetts, New Jersey, Pennsylvania, Maryland, Delaware, Rhode Island, Virginia, Georgia, Florida, and the District of Columbia, and between Poughkeepsie, N.Y., and points in New York within 30 miles of Poughkeepsie, one the one hand, and, on the other, points in Maine, North Carolina, South Carolina, and West Virginia. William F. Leahy, 4 Liberty Street, Poughkeepsie, N.Y., for applicants.

No. MC-FC 62309. By order of July 31, 1959, the Transfer Board approved the transfer to Victoria M. Mancuso, Anthony A. Mancuso, Harold W. Mancuso, and Francis D. Mancuso, a partnership, doing business as Empire State Motor Express, East Main Road, LeRoy, New York, of certificates in Nos. MC 38809 and MC 38809 Sub 1, issued May 28, 1941, and November 16, 1939, respectively, to James N. Mancuso, doing business as Empire State Motor Express, LeRoy, New York, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, over a regular route, between LeRoy, N.Y., and Rochester, N.Y., serving all intermediate points, and between LeRoy, N.Y., and Buffalo, N.Y., serving all intermediate points.

No. MC-FC 62323. By order of July 31, 1959, the Transfer Board approved the transfer to Orville L. Hicks, Dunlap, Iowa, of certificate in No. MC 7135, issued August 18, 1954, to Walter Murphy, Dunlap, Iowa, authorizing the transportation of: *General commodities*, except commodities in bulk and the other usual exceptions, from Omaha, Nebr., to Dunlap, Iowa, and points within 15 miles thereof.

No. MC-FC 62372. By order of July 31, 1959, the Transfer Board approved the transfer to Lee E. Champ, Junction City, Kansas, of Certificates in Nos. MC 16089 and MC 16089 Sub 1, issued May 20, 1941, and November 5, 1942, respectively, in the name of J. L. Wood, Dwight,

Kansas, authorizing the transportation of general commodities, excluding household goods, as defined by the Commission, commodities in bulk, and other specified commodities, over a regular route, between Junction City, Kans., and Kansas City, Mo., and the intermediate point of Kansas City, Kansas and off-route point of North Kansas City, Mo.; livestock, over irregular routes, between Junction City, Kans., and points within 20 miles of Junction City, on the one hand, and, on the other, Kansas City, Kans., and Kansas City, Mo. John E. Jandera, Townsend, Jandera, Hope & Honeyman, 641 Harrison Street, Topeka, Kansas, for applicants.

No. MC-FC 62402. By order of July 31, 1959, the Transfer Board approved the transfer to Smith Bus Service, Inc., Manchester, Md., of Certificate No. MC 94942 Sub 2, issued February 7, 1957, to Edgar F. Benson, Upperco, Md., authorizing the transportation of: Passengers and their baggage in round-trip charter operations, beginning and ending at Westminster, Md., and at points in Carroll County, Md., on and south of a line beginning at the Frederick-Carroll county line, and extending along Maryland Highway 97 to Westminster and thence along U.S. Highway 140 to the Carroll-Baltimore County line, and extending to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, Delaware, West Virginia, and the District of Columbia. Madison B. Morgan, 1111 Frankfurst Avenue, Baltimore 25, Md., for applicants.

No. MC-FC 62408. By order of July 31, 1959, the Transfer Board approved the transfer to Highway Transportation Corporation, Woodville, Ohio, of Permits in Nos. MC 2787 and MC 2787 Sub 5, issued July 5, 1941, and December 2, 1952, respectively, to George E. Whittaker, doing business as Whittaker Trucking Company, Toledo, Ohio, authorizing the transportation of specified commodities, from and to specified points in Michigan, and Ohio. Earl J. Thomas, Thomas Buildings, 5344-5350 North High Street, Worthington, Ohio, for applicants.

[SEAL]

HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-6635; Filed, Aug. 11, 1959;
8:47 a.m.]

[Notice 282]

MOTOR CARRIER APPLICATIONS

August 7, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers or brokers under sections 206, 209, and 211 of the Interstate Commerce Act and certain other proceedings with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 82 (Sub No. 6), filed June 26, 1959. Applicant: BEST WAY OF INDIANA, INC., 10 Cherry Street, Terre Haute, Ind. Applicant's attorney: Ferdinand Born, 1017-19 Chamber of Commerce Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: over alternate routes, for operating convenience only, in connection with applicant's authorized regular route operations, *General commodities*, except those of unusual value, Class A and B explosives, inflammables household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) (a) Between Kentland, Ind., and junction U.S. Highway 24 and Illinois Highway 1, over U.S. Highway 24, serving no intermediate points; (b) between junction Illinois Highways 1 and 119 and junction Indiana Highway 28 and U.S. Highway 41, from junction Illinois Highways 1 and 119 over Illinois Highway 119 to the Indiana-Illinois State line, thence over Indiana Highway 28 to junction U.S. Highway 41, and return over the same route, serving no intermediate points; (2) between Vincennes, Ind., and Prospect, Ind., over U.S. Highway 150, serving no intermediate points; (3) between Vincennes, Ind., and Indianapolis, Ind., over Indiana Highway 67, serving no intermediate points; and (4) between junction U.S. Highway 41 and Indiana Highway 57 and Indianapolis, Ind., from junction U.S. Highway 41 and Indiana Highway 57 over Indiana Highway 57 to junction Indiana Highway 67, thence over Indiana Highway 67 to Indianapolis, and return over the same route, serving no intermediate points. Applicant is authorized to conduct operations in Illinois, Indiana, and Kentucky.

HEARING: September 24, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 21.

No. MC 623 (Sub No. 23), filed June 18, 1959. Applicant: H. MESSICK, INC., P.O. Box 214, Duquesne and Newman Road, Joplin, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Class A and B explosives, blasting agents, supplies and materials*, from the plant site of Hercules Powder Co., near Carthage, Mo., to points in Jefferson and Shelby Counties, Ky. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Missouri, Montana, New Mexico, Nebraska, North Dakota, Oklahoma, South Dakota, Texas, and Wisconsin.

HEARING: September 23, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 298.

No. MC 1124 (Sub No. 159), filed April 23, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston 3, Tex. Applicant's attorney: Leroy Hall-

man, 617 First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, including *Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Beaumont, Tex., and junction Texas Highways 124 and 73, over Texas Highway 124, serving no intermediate points, but serving the termini for joinder purposes only, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations (1) between Houston, Tex., and Beaumont, Tex., and (2) between Houston, Tex., and Port Arthur, Tex. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 1124 (Sub No. 160), filed April 23, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, a corporation, 2301 McKinney Avenue, Houston 3, Tex. Applicant's attorney: Leroy Hallman, 617 First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities in bulk, serving the site of the Gulf States Utilities Company Plant, located approximately seven (7) miles southwest of Orange, Tex., near junction Texas Highway 87 and Texas Farm-to-Market Road 105, as an off-route point in connection with applicant's authorized regular route operations between Houston, Tex., and New Orleans, La., over U.S. Highway 90. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: October 21, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 1124 (Sub No. 161), filed June 2, 1959. Applicant: HERRIN TRANSPORTATION COMPANY, 2301 McKinney Avenue, Houston, Tex. Applicant's attorney: Leroy Hallman, First National Bank Building, Dallas 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Paints, lacquers, and varnishes*, in bulk, from Houston, Tex., to points in Louisiana and Mississippi, (2) *Liquid plastics*, in bulk from Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee, and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Florida, Louisiana, Oklahoma, Tennessee, and Texas.

HEARING: October 12, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 1494 (Sub No. 16), filed July 28, 1959. Applicant: GROSS COMMON CARRIER, INC., West Grand, Wisconsin Rapids, Wis. Applicant's attorney: Claude J. Jasper, Suite 616-617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Milwaukee, Wis., and Fond du Lac, Wis., over U.S. Highway 41, serving no intermediate points, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

HEARING: September 16, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

No. MC 2202 (Sub No. 175), filed June 16, 1959. Applicant: ROADWAY EXPRESS, INC., 147 Park Street, P.O. Box 471, Akron 9, Ohio. Applicant's attorney: James M. Verner, 2001 Massachusetts Avenue NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Line Materials Industries, located 5 miles west of Sherman, Tex., as an off-route point in connection with applicant's presently authorized regular-route operations between junction U.S. Highway 66 and 69 and Houston, Tex. Applicant is authorized to conduct operations in Alabama, Delaware, the District of Columbia, Georgia, Illinois, Indiana, Kansas, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 2229 (Sub No. 95), filed April 7, 1959. Applicant: RED BALL MOTOR FREIGHT, INC., 1210 South Lamar Street, P.O. Box 3148, Dallas, Tex. Applicant's attorney: Charles D. Mathews, Brown Building, Austin, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Sherman, Tex., and the Line Material Industries Plant Site located approximately 4.47 miles from the city limits of Sherman, over U.S. Highway 82, serving no intermediate points. Applicant is authorized to con-

duct operations in Texas, Louisiana, Arkansas, New Mexico, and Oklahoma.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 2309 (Sub No. 43), filed April 27, 1959. Applicant: GILLETTE MOTOR TRANSPORT, INC., 2311 Butler Street, Dallas, Tex. Applicant's attorney: Hugh T. Matthews, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except commodities of unusual value, Class A and B explosives (other than ammunition), household goods as defined by the Commission, livestock, commodities in bulk, and those requiring special equipment, serving the plant site of Line Material Industries, near Sherman, Tex., as an off-route point in connection with applicant's authorized regular-route operations. Applicant is authorized to conduct operations in Texas, Missouri, Oklahoma, and Kansas.

NOTE: Applicant states it has served the above plant by virtue of its being located within the Sherman commercial zone; that because of a recent change therein, placing the plant outside such zone, applicant seeks the specific authority needed to continue to serve this plant.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 2754 (Sub No. 10), filed July 13, 1959. Applicant: NEUENDORF TRANSPORTATION CO., 3244 Atwood Avenue, Madison, Wis. Applicant's attorney: Edward Solie, 715 First National Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Concrete silo staves*, and related accessories, namely concrete door frames, wooden silo doors, steel bands and rods, bolts, and nuts, from Madison, Wis., to points in Indiana located north of Vigo, Clay, Owen, Morgan, Johnson, Shelby, Rush, Fayette, and Union Counties, and points in Illinois located north of Calhoun, Greene, Macojpin, Montgomery, Christian, Shelby, Moultrie, Coles, and Clark Counties, Ill. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: September 18, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 17.

No. MC 4409 (Sub No. 16), filed July 20, 1959. Applicant: R. & H. CORPORATION, 1004 Stanton Avenue, New Kensington, Pa. Applicant's attorney: Harold S. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in Virginia and West Virginia, and *pallets*, and *rejected or damaged shipments* of plastic containers, on return. Applicant is authorized to conduct operations in Pennsyl-

vania, New Jersey, New York, Maryland, West Virginia, Ohio, Delaware, Virginia, the District of Columbia, Rhode Island, Massachusetts, Maine, Connecticut, Vermont, New Hampshire, North Carolina, South Carolina, Georgia, Alabama, Florida, Indiana, Michigan, and Tennessee.

NOTE: Applicant states this extension is to permit the transportation of plastic containers for Brockway Glass Company, Inc. within the territory for which it now has authority to distribute glass containers or glass bottles for said company from Brockway, Pa. A proceeding has been instituted under section 212(c) in No. MC 4409 Sub No. 11, to determine whether applicant's status is that of a common or contract carrier.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 8768 (Sub No. 19), filed July 20, 1959. Applicant: SECURITY STORAGE & VAN COMPANY, INC., 533 City Park Avenue, New Orleans 19, La. Applicant's representative: Pete H. Dawson, 1261 Drake Avenue, P.O. Box 1007, Burlingame, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California. Applicant is authorized to conduct operations in Louisiana, Texas, Mississippi, Alabama, Florida, Arkansas, Missouri, Illinois, Tennessee, Georgia, South Carolina, North Carolina, Virginia, Maryland, the District of Columbia, New Jersey, New York, New Mexico, Oklahoma, Arizona, California, Oregon, and Washington.

HEARING: October 13, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 10343 (Sub No. 8), filed July 23, 1959. Applicant: CHURCHILL TRUCK LINES, INC., U.S. Highway 36 West, Chillicothe, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, between Quincy, Ill., and junction U.S. Highways 36 and 61 at Hannibal, Mo., from Quincy over Illinois Highway 57 to junction F.A. Route 80 Spur (Fall Creek to Hannibal Road), thence over F.A. Route 80 Spur to junction U.S. Highway 36, thence over U.S. Highway 36 to junction U.S. Highway 61, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Illinois, Iowa, Kansas, and Missouri.

HEARING: September 29, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 15945 (Sub No. 7), filed June 19, 1959. Applicant: BRINGWALD

TRANSFER, INC., 1419 Hart Street, Vincennes, Ind. Applicant's representative: W. L. Jordan, 201 Merchants Savings Building, 7 South Sixth Street, Terre Haute, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paper products*, from Terre Haute, Ind., to St. Marys and Napoleon, Ohio. Applicant is authorized to conduct operations in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: September 23, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 29886 (Sub No. 154), filed June 15, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers, in initial movements, in truckaway and driveway service, from Toledo, Ohio, to points in Texas. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 23, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 29955 (Sub No. 15), filed July 27, 1959. Applicant: ENGLAND BROS. TRUCK LINE, INC., 300 North Second Street, Fort Smith, Ark. Applicant's attorney: James W. Wrape, Sterick Building, Memphis, Tenn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, household goods as defined by the Commission, and commodities requiring special equipment, between Sherman, Tex., and the site of the Line Material Industries, located approximately five (5) miles from Sherman: from Sherman over U.S. Highway 82 to site of Line Material Industries, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Arkansas, Missouri, Tennessee, Oklahoma, and Texas.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 30605 (Sub No. 110), filed May 1, 1959. Applicant: THE SANTA FE TRAIL TRANSPORTATION COMPANY, a Kansas corporation, 433 East Waterman, Wichita, Kans. Applicant's attorney: Francis J. Steinbrecher, 80 East Jackson Boulevard, Chicago 4, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, but excluding commodities of unusual value, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Lubbock, Tex., and Morton, Tex., over Texas Highway 116; (2) between Whiteface, Tex., and Bledsoe, Tex., over Texas Highway 125; (3) between Lehman, Tex., and Muleshoe, Tex., over Texas Highway 214, serving

all intermediate points on the above specified routes, including the intermediate or off-route points of Hurlwood, Smyer, Levelland, Coble, Whiteface, Lehman, Bledsoe, Morton, Enochs and Needmore, Tex. Applicant is authorized to conduct operations in Nebraska, Oklahoma, Kansas, Missouri, New Mexico, Colorado, and Texas.

HEARING: October 5, 1959, at the Caprock Hotel, Lubbock, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 31024 (Sub No. 28), filed July 22, 1959. Applicant: NEPTUNE STORAGE, INC., 55 Weyman Avenue, New Rochelle, N.Y. Applicant's attorney: Daniel W. Baker, 625 Market Street, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods*, as defined by the Commission, between points in California. Applicant is authorized to conduct operations throughout the United States.

HEARING: October 13, 1959, at the New Mint Building, 133 Hermann Street, San Francisco, Calif., before Joint Board No. 75, or, if the Joint Board waives its right to participate, before Examiner F. Roy Linn.

No. MC 32474 (Sub No. 23), filed May 7, 1959. Applicant: KEESHIN TRANSPORT SYSTEM, INC., 321 Wabash Street, Toledo 2, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and commodities requiring special equipment, serving Elk Grove, Ill., as an off-route point in connection with applicant's authorized regular route operations to and from Chicago, Ill. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Michigan, New York, Ohio, and Wisconsin.

HEARING: September 25, 1959, at Room 252, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 149.

No. MC 39414 (Sub No. 10), filed June 9, 1959. Applicant: TYLER TRUCK LINES, INC., Oakfield, N.Y. Applicant's representative: Bert Collins, 140 Cedar Street, New York 6, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plaster accelerator, plaster and stucco aggregate, steel plastering arches, steel bead, iron and steel channels, cement, basement coal doors, building and roofing felt, plastering fibre, gypsum, insulating materials, wallboard joint system, kalsomine, gypsum lath, steel lathing and steel ribbing and incidental accessory clips and fastenings therefor, lime, iron and steel nails, paint, building paper, plaster, plaster grounds, land plaster, plasterboard, cold water putty, steel, expanded metal and incidental accessory clips and fastenings therefor, plaster retarder, roofing materials, common and silica sand, steel sash, window screens, casein sizing, acoustical ceiling and wall tile, blocks and slabs, fibreboard and pulpboard, wallboard, plaster wallboard, mineral wool, iron and steel wire, and gypsum*

tile, from Oakfield, N.Y., to points in Forest, Clarion, Elk, Jefferson, Cameron, Clearfield, Clinton, Centre, Lycoming, Union, Montour, Northumberland, Wyoming, Susquehanna, Wayne, Lackawanna, Luzerne, Pike, Monroe, and Carbon Counties, Pa., and empty containers or other such incidental facilities used in transporting the above-described commodities, and rejected and damaged shipments thereof, on return. Applicant is authorized to conduct operations in Pennsylvania and New York.

Note: Applicant states the above transportation shall be under continuing contract or contracts with United States Gypsum Co.

HEARING: September 15, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 41432 (Sub No. 81), filed May 25, 1959. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 7667, Dallas 10, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Ammunition* (explosive incendiary, or gas, smoke or tear producing), *manufactured ingredients and component parts of ammunition, and general commodities*, except those of unusual value, explosives (other than ammunition and manufactured ingredients and component parts of ammunition as specified above), livestock, rock, gravel, sand, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, between St. Louis, Mo., and Dallas, Tex.: from St. Louis over U.S. Highway 66 to Springfield, Mo., thence over U.S. Highway 166 to junction with Will Rogers Turnpike near the Missouri-Oklahoma State line, thence over Will Rogers Turnpike to Big Cabin, Okla., thence over U.S. Highway 69 to Denison, Tex., and thence over U.S. Highway 75 to Dallas, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's otherwise authorized regular routes between St. Louis, Mo., and Dallas, Tex., via Little Rock, Ark., and Texarkana, Ark.-Tex., in its Certificate No. MC 41432. Applicant is authorized to conduct operations in Texas, Illinois, Missouri, Arkansas, and Tennessee.

HEARING: October 28, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 41432 (Sub No. 83), filed July 28, 1959. Applicant: EAST TEXAS MOTOR FREIGHT LINES, INC., P.O. Box 7667, 623 North Washington Avenue, Dallas 10, Tex. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *Ammunition* (explosive incendiary, or gas, smoke or tear producing), *manufactured ingredients and component parts of ammunition, and general commodities*, except those of unusual value, Class A and B explosives (other than ammunition as specified), livestock,

rock, gravel, sand, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Beaumont, Tex., and junction of Texas Highway 124 with Texas Highway 73, approximately two (2) miles east of Winnie, Tex., from Beaumont over Texas Highway 124 to junction with Texas Highway 73 approximately two (2) miles east of Winnie, and return over the same route, serving no intermediate points, and serving said junction for the purpose of joinder only, in connection with applicant's regular route operations between Houston, and Beaumont, Tex., and between Houston and Port Arthur, Tex. Applicant is authorized to conduct operations in Arkansas, Illinois, Missouri, Tennessee, and Texas.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 43038 (Sub No. 413), filed June 15, 1959. Applicant: COMMERCIAL CARRIERS, INC., 3399 East McNichols Road, Detroit 12, Mich. Applicant's attorney: Richard M. Freeman, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles* (except trailers), in initial movements, by driveway and truckaway, from Toledo, Ohio to points in Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

HEARING: October 23, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 52552 (Sub No. 17), filed July 20, 1959. Applicant: DARL D. WOMELDORF, doing business as W. I. WOMELDORF & SONS, P.O. Box 232, Lewistown, Pa. Applicant's attorney: Harold S. Shertz, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in Delaware, Maryland, New York, New Jersey, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont, and *damaged and rejected shipments* of plastic containers, and *pallets*, on return. Applicant is authorized to conduct regular route operations in New Jersey, New York and Pennsylvania, and irregular route operations in Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Vermont, Virginia, and West Virginia.

NOTE: Applicant states this proposed service is to permit the transportation of plastic containers for Brockway Glass Company, Inc., at Brockway, Pa., within the territorial

authority for which applicant now has the rights to distribute for that company from Brockway, Pa., glass containers or glass bottles. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier assigned Docket No. MC 52552 (Sub No. 14).

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 52917 (Sub No. 28), filed July 15, 1959. Applicant: CHESAPEAKE MOTOR LINES, INC., 340 West North Avenue, Baltimore 17, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, meat by-products, and dairy products*, as listed in Sections A and B of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209 and 766, in vehicles equipped with meat rails and temperature control devices, between Philadelphia, Pa., and Mt. Kisco, Albany, Waterford, and Schenectady, N.Y. Applicant is authorized to conduct operations in Maryland, Virginia, New York, New Jersey, Delaware, Pennsylvania, and the District of Columbia.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner James H. Gaffney.

No. MC 55811 (Sub No. 53), filed June 19, 1959. Applicant: CRAIG TRUCKING, INC., Albany, Ind. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, and commodities requiring special equipment, between Albany, Ind., and Cincinnati, Ohio. Applicant is authorized to conduct operations in Indiana, Michigan, Kentucky, Missouri, Pennsylvania, Illinois, Ohio, Iowa, Wisconsin, and West Virginia.

HEARING: September 21, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 56082 (Sub No. 30), filed June 8, 1959. Applicant: DAVIS & RANDALL, INC., Chautauqua Road, P.O. Box 390, Fredonia, N.Y. Applicant's attorney: Kenneth T. Johnson, Bank of Jamestown Building, Jamestown, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages and advertising material*, from Newark, N.J., to points in West Virginia, and *empty containers or other such incidental facilities and empty bottles, cases and kegs* on return. Applicant is authorized to conduct operations in Kentucky, Michigan, New Jersey, New York, Ohio, Pennsylvania, and West Virginia.

HEARING: September 16, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 64932 (Sub No. 257), filed May 21, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Appli-

cant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Synthetic resins and synthetic resin compounds*, in bulk, in tank vehicles, from Illiopolis, Ill., to Browntown, Wis. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: September 30, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 64932 (Sub No. 258), filed June 15, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, as defined by the Commission, in bulk, in tank vehicles, from Elk Grove Township, Ill., and points within ten (10) miles thereof, except points located in the Chicago Commercial Zone, to points in Wisconsin. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: October 1, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 66562 (Sub No. 1493), filed May 4, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, Main Office: 219 East 42d Street, New York 17, N.Y., Local Office: Room 10, Union Station, Indianapolis 25, Ind. Applicant's attorney: Elmer F. Slovacek, Railway Express Agency, Inc., Suite 2800, 188 Randolph Tower, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives, livestock and dogs*, moving in express service, between Effingham, Ill., and Herrick, Ill., from Effingham over Illinois Highway 33 to junction Illinois Highway 128, thence over Illinois Highway 128 to junction unnumbered County Highway near Cowden, Ill., thence over said unnumbered County Highway to Herrick, and return over the same route, serving no intermediate points. **RESTRICTIONS:** (1) The service to be performed by applicant shall be limited to that which is auxiliary to, or supplemental of, air or railway express service; and (2) Shipments transported by said applicant shall be limited to those moving on a through bill of lading or express receipt, covering, in addition to a motor carrier movement by said applicant, an

immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states that the livestock and dogs which are proposed to be included in the commodity description, will sometimes be "other than ordinary," but will not be accompanied by trainers or mascots.

HEARING: October 5, 1959, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 149.

No. MC 66562 (Sub No. 1508), filed June 16, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, moving in express service, between Des Moines, Iowa, and Story City, Iowa: From Des Moines north over U.S. Highway 69 to Ankeny, thence south over U.S. Highway 69 to junction Iowa Highway 160, thence southwest over Iowa Highway 160 to junction Iowa Highway 60, thence northwest over Iowa Highway 60 to Madrid, thence north over Iowa Highway 60 to junction U.S. Highway 30, thence west over U.S. Highway 30 to Boone, thence east over U.S. Highway 30 to Ames, thence north over U.S. Highway 69 to junction Iowa Highway 115, and thence east over Iowa Highway 115 to Story City, and return from Story City west over Iowa Highway 115 to junction U.S. Highway 69, thence south over U.S. Highway 69 to junction U.S. Highway 30, thence west over U.S. Highway 30 to junction Iowa Highway 60, thence south over Iowa Highway 60 to junction Iowa Highway 89, thence west over Iowa Highway 89 to Woodward, thence south over Iowa Highway 89 to junction Iowa Highway 141, thence west over Iowa Highway 141 to Perry, thence east over Iowa Highway 141 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Minburn, thence south over U.S. Highway 169 to junction Iowa Highway 64, thence east over Iowa Highway 64 to Dallas Center, thence west over Iowa Highway 64 to junction U.S. Highway 169, thence south over U.S. Highway 169 to Adel, thence east over Iowa Highway 90 to Waukee, and thence east over Iowa Highway 90 to Des Moines, serving the intermediate and off-route points of Ankeny, Madrid, Boone, Ames, Story City, Woodward, Perry, Minburn, Dallas Center, Adel, and Waukee, Iowa. RESTRICTION: Shipments transported by said carrier shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by said carrier, an immediately prior or immediately subsequent movement by air or rail. Applicant is authorized to conduct operations throughout the United States.

HEARING: September 21, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 69224 (Sub No. 27), filed May 22, 1959. Applicant: URBAN J. HAAS AND CYRIL H. WISSEL, doing business as H & W MOTOR EXPRESS COMPANY, 3000 Elm Street, Dubuque, Iowa.

Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Meat, meat products, meat by-products, dairy products and articles distributed by meat packinghouses*, as described in Appendix I, in 61 M.C.C. 209, from St. Paul, Minn., to Rockford, Ill.: from St. Paul, over U.S. Highway 12 to Madison, Wis., thence over U.S. Highway 14 to Janesville, Wis., and thence over U.S. Highway 51 to Rockford, Ill., serving the intermediate point of Janesville, Wis., for partial unloading in connection with shipments destined to Rockford, Ill. Applicant is authorized to conduct operations in Illinois, Iowa, and Minnesota.

HEARING: September 29, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 141.

No. MC 69536 (Sub No. 1), filed May 5, 1959. Applicant: ABBOTT CONSTRUCTION COMPANY, a corporation, 3 Spring Street, Box 927, Charleston, W. Va. Applicant's attorney: John C. White, 400 Union Building, Charleston 1, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Such bulk commodities*, used only in the construction, improvement and maintenance of highways, as are transported in dump trucks or tank vehicles, between points in Gallia, Meigs, Athens, Washington, and Lawrence Counties, Ohio, on the one hand, and, on the other, points in Wood, Pleasants, Ritchie, Wirt, Jackson, Kanawha, Roane, Putnam, Cabell, Mason, Lincoln, and Wayne Counties, W. Va. Applicant is authorized to conduct operations in Kentucky, Maryland, Virginia, and West Virginia.

HEARING: October 5, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 61.

No. MC 71478 (Sub No. 23), filed June 18, 1959. Applicant: THE CHIEF FREIGHT LINES COMPANY, a corporation, 1229½ Union Avenue, P.O. Box 4049, Station A, Kansas City, Mo. Applicant's attorney: Ralph W. Pulley, Jr., First National Bank Building, Dallas, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving the plant site of Line Material Industries, located on U.S. Highway 82, approximately 4.1 miles west of Sherman, Tex., as an off-route point in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Kansas, Missouri, Oklahoma, and Texas.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 74857 (Sub No. 4), filed June 19, 1959. Applicant: HARRY FULLER, JR., doing business as FULLER MOTOR

DELIVERY, 1111 West Court Street, Cincinnati 3, Ohio. Applicant's attorney: Leonard D. Slutz, 900 Tri-State Building, Cincinnati 2, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt*, in dump trucks, from points in Hamilton County, Ohio to points in Bartholomew, Brown, Clark, Dearborn, Decatur, Fayette, Floyd, Franklin, Hancock, Henry, Jackson, Jefferson, Jennings, Johnson, Lawrence, Marion, Monroe, Morgan, Ohio, Ripley, Rush, Scott, Shelby, Switzerland, Union, Washington, and Wayne Counties, Ind., those in Anderson, Bath, Boone, Bourbon, Bracken, Campbell, Carroll, Clark, Fayette, Fleming, Franklin, Gallatin, Grant, Harrison, Henry, Jefferson, Kenton, Madison, Mason, Montgomery, Nicholas, Oldham, Owen, Pendleton, Robertson, Rockcastle, Rowan, Scott, Shelby, Trimble, and Woodford Counties, Ky., and those in Adams, Brown, Butler, Clark, Clermont, Clinton, Darke, Fayette, Franklin, Greene, Hamilton, Highland, Madison, Miami, Montgomery, Rockaway, Pike, Ross, Scioto, and Warren Counties, Ohio, and *refused and rejected shipments of salt* on return. Applicant is authorized to conduct operations in Indiana, Kentucky and Ohio.

NOTE: Applicant states that the above transportation will be performed for the accounts of International Salt Company, Incorporated, Diamond Crystal Salt Co., and Morton Salt Company.

HEARING: September 15, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 76032 (Sub No. 129), filed February 9, 1959. Applicant: NAVAJO FREIGHT LINES, INC., 1205 South Platte River Drive, Denver 23, Colo. Applicant's attorney: O. Russell Jones, 54½ East San Francisco Street, Southwest Corner Plaza, Santa Fe, N. Mex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, including Class A, B, and C explosives, ammunition not included in Class A, B, and C explosives, and component parts of explosives and ammunition, and excepting commodities in bulk, commodities requiring refrigeration, uncrated household goods, and commodities requiring special equipment, (1) Between Clines Corners, N. Mex., and Roswell, N. Mex., over U.S. Highway 285; (2) Between Santa Rosa, N. Mex. and Vaughn, N. Mex., over U.S. Highway 54; and (3) Between Roswell, N. Mex., and Amarillo, Tex.: From Roswell over U.S. Highway 285 to junction U.S. Highway 70 approximately four miles north of Roswell, thence over U.S. Highway 70 to junction U.S. Highway 60 at or near Clovis, N. Mex., thence over U.S. Highway 60 to junction U.S. Highway 87 at or near Canyon, Tex. and thence over U.S. Highway 87 to Amarillo, and return over each of the above-described routes, serving all intermediate points on each of the above-described routes. Applicant is conducting operations in Arizona, California, Colorado, Illinois, Indiana, Iowa, Kansas, Missouri, Nebraska, Nevada, New Mexico, Oklahoma, Texas, and Utah.

HEARING: September 15, 1959, at the U.S. Court Rooms, Roswell, N. Mex., before Joint Board No. 33.

No. MC 76266 (Sub. No. 99), filed May 25, 1959. Applicant: MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, other than small arms ammunitions, household goods as defined by the Commission, and *liquids*, in bulk tank trucks, between Cleveland, Ohio, and Holmesville, Ohio: from Cleveland over U.S. Highway 42 to Medina, thence over Ohio Highway 3 to Wooster, and thence over Ohio Highway 76 to Holmesville, and return over the same route, serving no intermediate or off-route points. Applicant is authorized to conduct operations in Colorado, Illinois, Indiana, Iowa, Minnesota, Missouri, Nebraska, Ohio, and Wisconsin.

HEARING: September 18, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 117.

No. MC 76266 (Sub. No. 100), filed June 15, 1959. Applicant: MERCHANTS MOTOR FREIGHT, INC., 2625 Territorial Road, St. Paul, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk and those requiring special equipment, serving Valley Park, Mo., as an intermediate or off-route point in connection with applicant's authorized irregular route service from and to St. Louis, Mo., and the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone. Applicant is authorized to conduct operations in Minnesota, Iowa, Illinois, Nebraska, Missouri, Colorado, Wisconsin, Indiana, Ohio, and Michigan.

HEARING: October 1, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 179.

No. MC 83539 (Sub. No. 49), filed May 11, 1959. Applicant: C & H TRANSPORTATION CO., INC., 1935 West Commerce Street, P.O. Box 5976, Dallas, Tex. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Trailers, semi-trailers, trailer chassis, semi-trailer chassis*, other than those designed to be drawn by passenger automobile, in initial movements, by truckaway and driveaway methods, between Lufkin, Tex., on the one hand, and, on the other, points in the United States, including the new State of Alaska, but excluding points in Arkansas, Louisiana, Oklahoma, and Texas; (2) *Tractors*, in secondary movements, by the driveaway method, *only* when drawing trailers moving in initial movements, by the driveaway method, between Lufkin, Tex., on the one hand, and, on the other, points in Arizona, Nevada, Oregon, and Vermont; (3)

Trucks, in secondary movements, by the driveaway method, between Lufkin, Tex., on the one hand, and, on the other, points in Arizona, Nevada, Oregon, and Vermont; and (4) *Truck and trailer bodies*, between Lufkin, Tex., on the one hand, and, on the other, points in the United States, including the new State of Alaska, but excluding points in Arkansas, Louisiana, Oklahoma, and Texas. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, New York, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, Wisconsin, and Wyoming.

HEARING: October 26, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 86761 (Sub. No. 26), filed May 14, 1959. Applicant: GULF TRANSPORT COMPANY, a corporation, 505 South Conception Street, Mobile, Ala. Applicant's attorney: John W. Adams, Jr., Gulf Transport Company, Legal Department, P.O. Drawer 881, Mobile, Ala. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Class A, B, and C explosives*, from, to, and between all points which applicant is presently authorized to serve under Certificates No. MC 86761 and No. MC 86761 (Sub. No. 23), issued November 1, 1949 and July 13, 1950, respectively. **RESTRICTION:** The service to be performed by said applicant shall be limited to that which is auxiliary to or supplemented of rail service. Applicant is authorized to conduct operations in Alabama, Illinois, Kentucky, Louisiana, Mississippi, Missouri, and Tennessee.

HEARING: September 18, 1959, at the U.S. Court Rooms, Montgomery, Ala., before Examiner Robert A. Joyner.

No. MC 95627 (Sub. No. 21), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Empty containers*, from Baltimore, Md., Philadelphia, Pa., Chicago, Ill., Atlanta, Ga., and Muffin Junction, Pa., to Smithfield, Va., Courtland, Va., and points within 10 miles of each and (2) *Articles distributed by meat-packing houses, dairy products, meats, meat products and meat by-products*, between Smithfield, Norfolk, and Suffolk, Va., and points in New Jersey, Delaware, Maryland, Pittsburgh, and Harrisburg, Pa., and Washington, D.C. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub. No. 22), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's

attorney: Harry F. Gillis, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products, articles distributed by meat-packing houses, packing house products, and dairy products*, (1) between Suffolk, Norfolk, and Smithfield, Va., and points in Virginia, (2) from Smithfield, Norfolk, and Suffolk, Va., to points in North Carolina, South Carolina, Alabama, Georgia, Florida, West Virginia, and Pittsburgh, Pa., (3) from Gaffney, S.C., to Suffolk, Va., (4) from Wilson, N.C., to Smithfield, Va., and (5) from Kinston and Clinton, N.C., to Smithfield, Norfolk, and Suffolk, Va. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub. No. 23), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lard*, from Smithfield, Va., to points in the Washington, D.C., Commercial Zone, as defined by the Commission, and to the following points in Maryland: Aberdeen Proving Ground Depot (5 miles southeast of Aberdeen), Andrews Air Force Base at Camp Springs, Md. (11 miles southeast of Washington, D.C.), Army Chemical Center (22 miles northeast of Baltimore, Md.), Baltimore Signal Depot and Curtis Bay Sub-Depot of Letterkenny Ordnance Depot, Baltimore, Fort George Meade (2 miles west of Odenton), Fort Holabird, Baltimore, Fort Ritchie (7 miles northwest of Thurmont, Waynesboro, Pa.), Naval Air Station (14 miles east of Leonardtown, at Cedar Point), Naval Medical Center (1 mile northwest of Bethesda, on U.S. Highway 240), Naval Ordnance Laboratory, White Oak (5 miles northeast of Silver Spring, on Maryland Highway 320), Naval Powder Factory, Indian Head (26 miles south of Washington, D.C.), Naval Training Station (13 miles northeast of Aberdeen on U.S. Highway 222), Naval Hydrographic Office, Suitland, U.S. Naval Academy, Annapolis, and the following points in Delaware: Dover Air Force Base (5 miles southeast of Dover), a point 2 miles east of Lewes on Delaware Highway 18, and New Castle County Airport (5 miles south of Wilmington, west of U.S. Highways 13-40). Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub. No. 24), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Building,

Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Salt, salt products and salt mixtures*, from Cleveland, Akron, Rittman, Fairport (Lake County), Fairport Harbor (Lake County), and Mentor (Lake County), Ohio, and Watkins Glen, Silver Springs, Ludlowville, and Retsof, N.Y., to points in Virginia south of U.S. Highway 60 to the Virginia State line to Richmond, Va., and south of U.S. Highway 360 extended from Richmond, Va., to the State border, and *pallets and empty containers* on return. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 95627 (Sub No. 25), filed June 4, 1959. Applicant: EUGENE NELMS, P.O. Box 912, Suffolk, Va. Applicant's attorney: Harry F. Gillis, Mills Tower, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Tankage, cracklings and blood*, from Smithfield, Va., to points in North Carolina, South Carolina, Georgia, Florida, and Harrison, N.J. Applicant is authorized to conduct operations in Connecticut, the District of Columbia, Maryland, Massachusetts, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, and Virginia.

HEARING: September 14, 1959, at the U.S. Court Rooms, Richmond, Va., before Examiner James O'D. Moran.

No. MC 96466 (Sub No. 1), filed June 4, 1959. Applicant: ROBERT CHILSON, doing business as HARVARD TRANSFER COMPANY, 302 East Park Street, Harvard, Ill. Applicant's attorney: Alfred L. Roth, 188 West Randolph Street, Chicago 1, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Household goods* as defined by the Commission, between Harvard, Ill., on the one hand, and, on the other, points in Wisconsin. Applicant is authorized to conduct operations in Illinois and Wisconsin.

HEARING: September 30, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 98088 (Sub No. 8), filed June 8, 1959. Applicant: LINDLEY TRUCKING SERVICE, INC., 3618 Vandalia Road, Des Moines, Iowa. Applicant's representative: John M. Ropes, State Commerce Commission, State House, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts*, as described in Appendix XII to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, and *farm tractors*, from Des Moines, Iowa to points in Missouri east of U.S. Highway 63, except Arbella, Baring, Brashear, Downing, Durham, Edina, Ewing, Granger, Greentop, Greensburg, Gorin, Hannibal, Hurdland, Kirksville, Knox City, La Belle, Lancaster, Lewistown, Maywood,

Memphis, Monticello, Queen City, St. Louis, and Sublette, and points in Clark County, and *rejected shipments and dealers surplus machinery and parts* on return. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

HEARING: September 18, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 137.

No. MC 98749 (Sub No. 9), filed April 20, 1959. Applicant: DURWARD L. BELL, doing business as BELL TRANSPORT COMPANY, 100 South Second Street, Longview, Tex. Applicant's attorney: Joe T. Lanham, 1009 Perry-Brooks Building, Austin 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, as defined in *The Maxwell Co., Extension—Addyston*, 63 M.C.C. 677 (but not limited to liquids) in bulk, in specialized motor vehicle equipment, including but not limited to tank vehicles, from the site of the Texas Eastman Company Plant near Longview, Tex., to points in Connecticut, Delaware, Florida, Iowa, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Arkansas, California, Colorado, Illinois, Indiana, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oregon, Tennessee, Texas, Washington, and Wisconsin.

HEARING: October 29, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 101126 (Sub No. 123), filed June 4, 1959. Applicant: STILLPASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products and blends thereof*, in insulated, stainless steel or aluminum tank vehicles, between points in Montgomery County, Ohio, and points in Tennessee. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) to determine whether applicant's status is that of a common or contract carrier in No. MC 101126 (Sub No. 86).

HEARING: September 18, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 209.

No. MC 101458 (Sub No. 27), filed June 29, 1959. Applicant: NATIONAL CARTAGE CO., a corporation, 2850 Sheffield Avenue, Hammond, Ind. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes,

transporting: *Ethylene gas*, in bulk, in tank vehicles, from Institute, W.Va., to Hammond, Ind., and *empty shipper-owned tank trailers* on return. Applicant is authorized to conduct operations in Illinois, Indiana, Michigan, and Wisconsin.

HEARING: September 24, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 356.

No. MC 102616 (Sub No. 677), filed June 22, 1959. Applicant: COASTAL TANK LINES, INC., 501 Grantley Road, York, Pa. Applicant's attorney: Harold G. Hearnly, 1624 Eye Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in bulk, in tank vehicles, from Wheeling, W. Va., to points in Fayette, Greene, and Washington Counties, Pa. Applicant is authorized to conduct operations in Connecticut, Indiana, Massachusetts, New York, Pennsylvania, Tennessee, Wisconsin, Delaware, Kentucky, Michigan, North Carolina, Rhode Island, Virginia, the District of Columbia, Illinois, Maryland, New Jersey, Ohio, South Carolina, and West Virginia.

HEARING: October 6, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East Charleston, W. Va., before Joint Board No. 59.

No. MC 103243 (Sub No. 28), filed July 27, 1959. Applicant: PETROLEUM TRANSPORT, INC., P.O. Box 289, Madison, Wis. Applicant's attorney: John Falk Murphy, P.O. Box 289, Madison, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, in bulk, in tank vehicles, from Madison, Wis., and points within fifteen (15) miles thereof, and Milwaukee, Wis., to points in Illinois on and north of U.S. Highway 30. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa and Wisconsin.

HEARING: October 1, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 106053 (Sub No. 12), filed July 1, 1959. Applicant: CORDLE CARTAGE CO., 909 North Jackson, Charles City, Iowa. Applicant's attorney: Erwin Larson, Ellis Block, Charles City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, dangerous explosives, household goods, as defined by the Commission, commodities in bulk, and those requiring special equipment, (1) between Iowa Falls, Iowa, and Waterloo, Iowa, over U.S. Highway 20; (2) between Davis Corners, Iowa, and junction U.S. Highway 63 and Iowa Highway 3, east of Waverly, Iowa, over U.S. Highway 63; (3) between Dumont, Iowa, and Waverly, Iowa, over Iowa Highway 3, serving no intermediate points on the above routes, as alternate routes for operating convenience only. Applicant is authorized to conduct operations in Iowa, Minnesota, and Wisconsin.

HEARING: September 21, 1959, at the Federal Office Building, Fifth and

Court Avenues, Des Moines, Iowa, before Joint Board No. 92.

No. MC 106977 (Sub No. 21), filed July 16, 1959. Applicant: T. S. C. MOTOR FREIGHT LINES, INC., 400 Pinckney Street, P.O. Box 2625, Houston, Tex. Applicant's attorney: Reagan Sayers, Century Life Building, Fort Worth 2, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over alternate routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Houston, Tex., and Port Arthur, Tex., over Texas Highway 73 (Interstate Highway 10), as follows: (1) From Houston over Texas Highway 73 (Interstate Highway 10) to its intersection with Texas Highway 61, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations, and (2) from the junction of Texas Highway 73 (Interstate Highway 10) with Texas Highway 61 over Texas Highway 73 (Interstate Highway 10) to Port Arthur, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Louisiana, Mississippi, and Texas.

NOTE: Applicant states the purpose of this application in specifying a division of the through route between Houston and Port Arthur over Texas Highway 73 at the junction of Texas Highway 73 and 61 is to provide service at such junction with applicant's existing routes.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 107403 (Sub No. 289), filed July 17, 1959. Applicant: E. BROOKE MATLACK, INC., 33d and Arch Streets, Philadelphia 4, Pa. Applicant's attorney: Paul F. Barnes, 811-819 Lewis Tower Building, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals*, in bulk, in tank vehicles, from the plant site of the E. I. DuPont de Nemours & Company, Niagara Falls, N.Y., to points in Illinois, Indiana, Kentucky, Michigan, New Jersey, Ohio, Pennsylvania, Virginia, and West Virginia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Leo M. Fellerzi.

No. MC 107496 (Sub No. 142), filed July 6, 1959. Applicant: RUAN TRANSPORT CORPORATION, 408 Southeast 30th Street, Des Moines, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid agricultural insecticides and fungicides*, in bulk, in tank vehicles, from Omaha, Nebr., to points in Kansas. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Texas, and Wisconsin.

NOTE: Common control may be involved.

HEARING: September 17, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 139.

No. MC 107515 (Sub No. 323), filed May 27, 1959. Applicant: REFRIGERATED TRANSPORT CO., INC., 290 University Avenue SW., Atlanta, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products*, from Paris, Tex., to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee (except Memphis, Tenn.). Applicant is authorized to conduct operations in Arizona, Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, California, New Mexico, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, North Carolina, Ohio, Oklahoma, South Carolina, Tennessee, Texas, Virginia, and Wisconsin.

HEARING: October 30, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 107825 (Sub No. 2), filed July 22, 1959. Applicant: WOODROW KNOLLINGER, doing business as MIDDLE CREEK GARAGE, National Road, Triadelphia, W. Va. Applicant's attorney: Ronald W. Kasserman, 905 Riley Law Building, Wheeling, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled automobiles, buses, trucks, tractors, trailers, semi-trailers and commercial vehicles of all type and description*, between points in Ohio County, W. Va., on the one hand, and, on the other, points in Ohio and Pennsylvania within 50 miles of Triadelphia, Ohio County, W. Va. Applicant is authorized to transport wrecked and disabled automobiles in the above-specified territory.

HEARING: October 7, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 59.

No. MC 108248 (Sub No. 6), filed July 20, 1959. Applicant: SHAW TRUCKING, INCORPORATED, 235 Williams Street, Dubois, Pa. Applicant's attorney: Harold S. Shertz, 225 South 15th Street, Philadelphia 2, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in that part of New York on and west of a line be-

ginning at the New York-Pennsylvania State line and extending along U.S. Highway 11 to Binghamton, thence along New York Highway 12 to Utica, thence south of a line extending along New York Highway 49 to Rome, thence along New York Highway 69 to Mexico, and thence along U.S. Highway 104 to Oswego, points in that part of Ohio bounded by a line beginning at Cleveland and extending along U.S. Highway 322 to the Ohio-Pennsylvania State line, thence along the Ohio-Pennsylvania State line to the Ohio-West Virginia State line, thence along the Ohio-West Virginia State line to junction U.S. Highway 40, thence along U.S. Highway 40 to Columbus, thence along U.S. Highway 23 to Delaware, and thence along U.S. Highway 42 to Cleveland, including points on the indicated portions of the highways specified, and to Washington, D.C., Baltimore and St. Denis, Md., and Bloomfield and Trenton, N.J., and pallets, and damaged and rejected shipments of plastic containers, on return. Applicant is authorized to conduct operations in New York, Ohio, Pennsylvania, the District of Columbia, Maryland, New Jersey, Illinois, West Virginia, and Indiana.

NOTE: Applicant states this extension is to permit the transportation of plastic containers for Brockway Glass Company, Inc., within the territory for which it now has authority to distribute glass containers or glass bottles for said company from Brockway, Pa.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 108449 (Sub No. 88), filed June 1, 1959. Applicant: INDIANHEAD TRUCK LINE, INC., 1947 West County Road C, St. Paul 13, Minn. Applicant's attorney: Glenn W. Stephens, 121 West Doty Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid fertilizer and fertilizer solutions*, in bulk, in tank vehicles, from Dakota City, Iowa, to points in Nebraska and South Dakota, and empty containers or other such incidental facilities, used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Illinois, Iowa, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, South Dakota, Wisconsin, and Wyoming.

HEARING: September 15, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185.

No. MC 108456 (Sub No. 11), filed July 20, 1959. Applicant: BROWN BROTHERS EXPRESS, INC., Meadow Street, P.O. Box 59, Curwensville, Pa. Applicant's attorney: Henry M. Wick, Jr., 1211 Berger Building, Pittsburgh 19, Pa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Plastic containers*, from Brockway, Pa., to points in Illinois, Indiana, Michigan, Wisconsin, points in Kentucky north of a line beginning at Catlettsburg, Ky., and extending along U.S. Highway 60 to Versailles, Ky.,

thence along U.S. Highway 62 to junction Kentucky Highway 93 (formerly U.S. Highway 62) near Kuttawa, Ky., thence along Kentucky Highway 93 to junction U.S. Highway 60 (formerly U.S. Highway 62) near Smithland, Ky., and thence along U.S. Highway 60 to Paducah, Ky., points in that part of Minnesota bounded by a line beginning at Winona, Minn., and extending along U.S. Highway 14 to Mankato, Minn., thence along U.S. Highway 169 to St. Peter, Minn., thence along Minnesota Highway 22 to Eden Valley, Minn., thence along Minnesota Highway 55 to Kimball, Minn., thence along Minnesota Highway 15 to St. Cloud, Minn., thence along Minnesota Highway 23 to Milaca, Minn., thence along U.S. Highway 169 to Princeton, Minn., thence along Minnesota Highway 95 to Taylors Falls, Minn., and thence along the Minnesota-Wisconsin State line to point of beginning, points in that part of Ohio bounded by a line beginning at Bridgeport, Ohio, and extending along U.S. Highway 40 to Columbus, Ohio, thence along U.S. Highway 23 to Delaware, Ohio, thence along U.S. Highway 42 to junction unnumbered highway (formerly U.S. Highway 42), thence along unnumbered highway via Ashland, Ohio, to junction U.S. Highway 42, thence along U.S. Highway 42, to Cleveland, Ohio, thence west along the shore of Lake Erie and the Ohio-Michigan State line to the Ohio-Indiana State line, thence south along the Ohio-Indiana State line to the Ohio River, and thence along the shore of the Ohio River to point of beginning, *rejected or damaged shipments and pallets* from points in the above-described destination territory to Brockway, Pa. Applicant is authorized to conduct operations in Connecticut, Illinois, Indiana, Kentucky, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 108456 Sub 10.

HEARING: September 22, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

No. MC 108905 (Sub No. 18), filed May 29, 1959. Applicant: JASPER & CHICAGO MOTOR EXPRESS, INC., Jasper, Ind. Applicant's attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis 8, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, between points in Illinois within fifty (50) miles of Chicago, Ill., and points on applicant's authorized routes: From points in Illinois within 50 miles of Chicago, over all Federal, State and County Highways within said 50 miles, to U.S. Highway 41, and thence over U.S. Highway 41 to points on applicant's authorized routes, and return,

servicing no points not presently authorized in applicant's Certificate No. MC 108905 and sub numbers thereunder, for operating convenience only. Applicant is authorized to conduct operations in Indiana, Illinois, and Kentucky.

NOTE: Applicant states it is authorized to serve all points in Illinois within 50 miles of Chicago in Certificate MC 108905; and that this application is filed in order to eliminate the necessity of using the Chicago Gateway in order to perform service from and to points located on applicant's authorized routes.

HEARING: September 29, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 1.

No. MC 109637 (Sub No. 124), filed May 7, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Asphalt, asphalt materials, and asphalt products*, in bulk, in tank vehicles, from Columbia Park (Miami Township), Ohio to points in Indiana, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Applicant is under common control with Alabama Tank Lines, Inc., Docket No. MC 116387. Dual authority under section 210 may be involved.

HEARING: September 23, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60.

No. MC 109994 (Sub No. 18), filed June 22, 1959. Applicant: OREN M. SIZER, doing business as SIZER GRAIN SERVICE, P.O. Box 97, Highway 14 East, Rochester, Minn. Applicant's attorney: Claude J. Jasper, 616-617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Quicklime, hydrated lime, and ground limestone*, from the Town of Kossuth, Manitowoc County, Wis., to points in Minnesota. Applicant is authorized to conduct operations in Colorado, Illinois, Iowa, Michigan, Minnesota, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin.

HEARING: September 16, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 142.

No. MC 111231 (Sub No. 39), filed July 21, 1959. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: Rollo E. Kidwell, Empire Bank Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, grain, Class A and B explosives, household goods as defined by the Commis-

mission, commodities in bulk and those requiring special equipment, serving the site of the Line Material Industries plant located approximately 4½ miles west of Sherman, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Sherman. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Illinois, and Texas.

NOTE: Applicant states this plant was formerly within the Commercial Zone of Sherman, Tex., and served by it as a part of its terminal area at Sherman. Because of recent change in city limits of Sherman, placing the plant outside the Commercial Zone, applicant files this application to continue to serve said plant.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 111708 (Sub No. 2), filed July 20, 1959. Applicant: ROY F. STEFFY, R.D. No. 3, Lititz, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, in bulk from Cecil County, Md., to points in Lancaster and Chester Counties, Pa.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Harry Ross, Jr.

No. MC 111812 (Sub No. 81), filed July 27, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Waseca, Minn., to points in Montana, Idaho, Oregon, and Washington. Applicant is authorized to conduct operations in California, Connecticut, Idaho, Iowa, Maine, Massachusetts, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Jersey, New York, North Dakota, Oregon, Pennsylvania, Rhode Island, South Dakota, Utah, Vermont, and Washington.

HEARING: September 22, 1959, at the Rome Hotel, Omaha, Nebr., before Examiner A. Lane Cricher.

No. MC 111957 (Sub No. 3), filed June 15, 1959. Applicant: DANIEL B. GABERDIEL, DANIEL GABERDIEL, JR., AND PAUL G. GABERDIEL, doing business as DANIEL GABERDIEL & SONS, 313 North Broadway, Spencerville, Ohio. Applicant's attorney: Richard H. Brandon, Hartman Building, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Creosoted wood products*, from Bath Township, Allen County, Ohio, to points in Indiana and the southern peninsula of Michigan. Applicant is authorized to conduct operations in Ohio and West Virginia.

HEARING: September 17, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 9.

No. MC 112020 (Sub No. 70), filed May 28, 1959. Applicant: COMMERCIAL

OIL TRANSPORT, a corporation, 1030 Stayton Street, Fort Worth, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal oils and fats, vegetable oils and fats, and blends and products thereof*, in bulk, in tank vehicles, from points in Texas to points in Alabama, Louisiana, and Mississippi. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Oklahoma, Kansas, Missouri, Nebraska, Iowa, Illinois, Indiana, Colorado, Mississippi, Michigan, Ohio, Wisconsin, New York, Kentucky, and Tennessee.

HEARING: October 27, 1959, at the Baker Hotel, Dallas, Tex., before Examiner James C. Cheseldine.

No. MC 112520 (Sub No. 33), filed July 6, 1959. Applicant: MCKENZIE TANK LINES, INC., New Quincy Road, Tallahassee, Fla. Applicant's attorney: Sol H. Proctor, 713-17 Professional Building, Jacksonville 2, Fla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sizing, emulsified petroleum* (Commodity is a mixture of petroleum wax of petrolatum and water, rosin or emulsifying agent, the petroleum wax or petrolatum not to exceed 52 percent and the rosin or emulsifying agent, singular or combined, not to exceed 15 percent of the total weight), in bulk, in tank vehicles, from Mobile, Ala., to Moss Point, Miss. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Louisiana, Mississippi, Missouri, Ohio, and Tennessee.

HEARING: September 18, 1959, at the U.S. Court Rooms, Montgomery, Ala., before Joint Board No. 14, or, if the Joint Board waives its right to participate, before Examiner Robert A. Joyner.

No. MC 112713 (Sub No. 85), filed July 6, 1959. Applicant: YELLOW TRANSIT FREIGHT LINES, INC., 1626 Walnut Street, Kansas City, Mo. Applicant's attorney: John M. Records (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except Class A and B explosives, livestock, household goods as defined by the Commission, and commodities in bulk, serving the plant site of Line Material Industries located near Sherman, Tex., as an off-route point in connection with applicant's authorized regular route operations to and from Sherman, Tex. Applicant is authorized to conduct operations in Illinois, Kansas, Oklahoma, Missouri, Texas, Indiana, Kentucky, Michigan, and Ohio.

HEARING: October 22, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 112750 (Sub No. 45), filed June 15, 1959. Applicant: ARMORED CARRIER CORPORATION, DeBevoise Building, 222-17 Northern Boulevard, Bayside, L.I., N.Y. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Commercial papers, documents and written instruments* (except

coin, currency, bullion, and negotiable securities), as are used in the business of banks and banking institutions, and *empty containers or other such incidental facilities* (not specified) used in transporting the above, between Omaha, Nebr., on the one hand, and, on the other, points in Iowa, other than those in Woodbury County, Iowa. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maryland, Massachusetts, Missouri, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Virginia, West Virginia, and the District of Columbia.

NOTE: Applicant proposes to transport Empty containers or other such incidental facilities (not specified) used in transporting the above on return movements.

HEARING: September 14, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 138.

No. MC 113325 (Sub No. 5), filed July 6, 1959. Applicant: SLAY TRANSPORTATION CO., INC., 718 South Seventh Street, St. Louis, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids, chemicals, paints, varnishes, resins, lacquers, liquid*, in bulk, from St. Louis, Mo., to points in Arkansas, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Wisconsin. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: September 17, 1959 at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Cricher.

No. MC 113514 (Sub No. 50), filed May 5, 1959. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Dallas Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Silica gel catalyst*, in bulk, in specialized equipment, between points in Kansas and Oklahoma. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: October 28, 1959, at the Baker Hotel, Dallas, Tex., before Joint Board No. 39, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113514 (Sub No. 52), filed June 19, 1959. Applicant: SMITH TRANSIT, INC., 305 Simons Building, Dallas 1, Tex. Applicant's attorney: W. D. White, 1900 Mercantile Building, Dallas 1, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in Harris and Galveston Counties, Texas. Applicant is authorized to conduct operations in Alabama, Arkansas, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, and Texas.

HEARING: October 15, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113779 (Sub No. 93), filed April 16, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorneys: Dale Woodall (same address as applicant) and Warren Woods, 111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, between points in Texas and Louisiana, on the one hand, and, on the other, points in Connecticut and New York. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 14, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 113779 (Sub No. 97), filed June 22, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Applicant's attorney: Dale Woodall, (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid chemicals*, in bulk, in tank vehicles, between points in Harris and Galveston Counties, Tex. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 15, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 113779 (Sub No. 99), filed June 29, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid oil well drilling mud*, in bulk, in tank vehicles, from points in Harris County, Tex., to points in New Mexico, Oklahoma, Arkansas, and Louisiana. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Mon-

tana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: October 19, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 114019 (Sub No. 27) (REPUBLICAN), filed June 4, 1959, published issue of FEDERAL REGISTER, July 29, 1959. Applicant: THE EMERY TRANSPORTATION COMPANY, a corporation, 7000 South Pulaski Road, Chicago 29, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Canned and preserved food-stuffs*, from Austin, Indianapolis, Mt. Summit and Converse, Ind., and Collinsville, Ill., to points in Minnesota, Iowa, Missouri (except St. Louis), North Dakota, South Dakota, Nebraska, Kansas, Colorado, Wyoming, West Virginia, and Kentucky (except Louisville, Bellevue and Covington). On return trips applicant proposed to transport other authorized and exempt commodities.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89520; therefore, Numbers thereunder. A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 9685 (Sub No. 58).

HEARING: Remains as assigned September 18, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner William P. Sullivan.

No. MC 114021 (Sub No. 7), filed June 26, 1959. Applicant: MIDWEST TRANSFER COMPANY OF ILLINOIS, 7000 South Pulaski Road, Chicago, Ill. Applicant's attorney: Clarence D. Todd, 1825 Jefferson Place NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Plastic pipe*, in straight lengths, in bundles, and in coils, and *accessories and fittings* therefor, in mixed shipments with other building materials which applicant is now authorized to transport, the weight of the plastic pipe, accessories and fittings therefor, in any single shipment, not to exceed 15 percent of the total weight of such shipment, from St. Louis, Mo., to points in Colorado, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Montana, Nebraska, New Mexico, North Dakota, Ohio, South Dakota, Texas, Wisconsin, West Virginia, Wyoming, those in New York on and west of New York Highway 14, and those in Pennsylvania on and west of U.S. Highway 219. (2) *Used pallets and skids*, from the destination points described in paragraph (1) above to St. Louis, Mo.

NOTE: Applicant is authorized to conduct operations as a contract carrier, in Permit No. MC 107640 and sub numbers thereunder in most of the territory sought by this application. A proceeding has been instituted under section 212(c) of the Interstate Com-

merce Act to determine whether applicant's status is that of a contract or common carrier in No. MC 107640 Sub 36.

HEARING: September 16, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner A. Lane Criche.

No. MC 115856 (Sub No. 5), filed May 18, 1959. Applicant: TRANSPORT DELIVERY COMPANY, a corporation, Thompson Building, Tulsa, Okla. Applicant's attorney: John H. Hendren, Central Trust Building, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from points in Harrison County, Mo., to points in Iowa. Applicant is authorized to conduct operations in Illinois, Iowa, and Missouri.

HEARING: September 23, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 137.

No. MC 116027 (Sub No. 1), filed June 10, 1959. Applicant: NICHOLAS KIRCHNER, JOHN NICK KIRCHNER, AND WILLIAM J. KIRCHNER, doing business as N. KIRCHNER & SONS, St. Patrick, Mo. Applicant's attorney: J. Patrick Wheeler, 501½ Clark Street, Canton, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bulk fertilizer and bulk feed*, from East St. Louis, Ill., to points in Clark, Scotland, Schyler, Adair, Knox, Lewis, Marion, Shelby, Macon, Audrain, Monroe, Ralls, and Pike Counties, Mo.

NOTE: Attorney states the bulk fertilizer is in powder form and will be transported in box trailers. The bulk feed is feed for farm animals.

HEARING: September 29, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 116077 (Sub. No. 64), filed May 29, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P.O. Box 858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products* (except acids and chemicals), in bulk, from points in Harris County, Tex., to points in Arizona. Applicant is authorized to conduct operations in Texas, Louisiana, Arkansas, Ohio, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Colorado, Florida, Kentucky, Mississippi, Kansas, Missouri, New Jersey, Connecticut, Georgia, Illinois, Tennessee, Arizona, California, Indiana, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, West Virginia, and Wisconsin.

HEARING: October 9, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 127, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 116077 (Sub No. 65), filed May 29, 1959. Applicant: ROBERTSON TANK LINES, INC., 5700 Polk Avenue, Houston, Tex. Applicant's attorneys: Charles D. Mathews and Thomas E. James, 1020 Brown Building, P.O. Box

858, Austin 65, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, lacquers, varnishes and liquid plastics*, in bulk, from Houston, Tex., to points in Alabama, Arkansas, Florida, Georgia, Kentucky, Louisiana, Mississippi, Oklahoma, and Tennessee. Applicant is authorized to conduct operations in Texas, Louisiana, Ohio, Arkansas, Oklahoma, New Mexico, Idaho, Oregon, Washington, Alabama, Colorado, Florida, Kentucky, Mississippi, Kansas, Missouri, New Jersey, Connecticut, Georgia, Illinois, Tennessee, Arizona, California, Indiana, Iowa, Minnesota, Nebraska, North Carolina, South Carolina, West Virginia, and Wisconsin.

HEARING: October 12, 1959, at the Texas State Hotel, Houston, Tex., before Examiner James C. Cheseldine.

No. MC 116273 (Sub No. 2), filed June 15, 1959. Applicant: D & L TRANSPORT, INC., 3800 South Laramie Avenue, Cicero, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar*, in bulk, in tank vehicles, between Chicago, Ill., and Milwaukee, Wis. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: September 29, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17.

No. MC 116369 (Sub No. 3), filed June 29, 1959. Applicant: WILLIAM ROY CALHOUN, Petersburg, W. Va. Applicant's attorney: James Paul Geary, 5 Main Street, Petersburg, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Timber and sawed products*, from the sawmill and lumber yard site of Hartzell Industries, Inc., located approximately ½ mile southeast of Petersburg, Grant County, W. Va., to Piqua, Ohio. Applicant is authorized to conduct operations in Virginia and West Virginia.

HEARING: October 7, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 341.

No. MC 116702 (Sub No. 7), filed July 27, 1959. Applicant: THADDEUS A. GORSKI, Harrow, Ontario, Canada. Applicant's attorney: Eugene C. Ewald, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Dicalcium phosphate* in bags and in bulk, *phosphatic fertilizer solution* in bulk, *washing compound*, dry in bags and *sodium phosphate* in bags, from Trenton, Mich., to the International Boundary line between the United States and Canada at the ports of entry at Detroit and Port Huron, Mich. Applicant is authorized to conduct operations in Michigan, New York, and Ohio.

HEARING: September 14, 1959, at the Wolverine Hotel, Elizabeth-Block, East Woodward, Detroit, Mich., before Joint Board No. 163, or, if the Joint Board waives its right to participate, before Examiner Alfred B. Hurley.

No. MC 116806 (Sub No. 2), filed May 21, 1959. Applicant: HUTTON TRANSPORT LIMITED, R.R. 1, Lakeside, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meat, meat products and meat by-products*, as defined in Section A of Appendix I to the report in *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, 766 from the Port of entry on the boundary of the United States and Canada at or near Buffalo, N.Y., to Buffalo, N.Y., restricted to traffic originating at Stratford, Ontario, Canada.

HEARING: September 14, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 116806 (Sub No. 3), filed May 21, 1959. Applicant: HUTTON TRANSPORT LIMITED, R.R. 1, Lakeside, Ontario, Canada. Applicant's attorney: S. Harrison Kahn, 1110-14 Investment Building, Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, in bulk and in bags, from the ports of entry on the boundary of the United States and Canada at or near Buffalo, and Niagara Falls, N.Y., to points in New York, restricted to traffic originating in the Province of Ontario, Dominion of Canada.

HEARING: September 14, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 117149 (Sub No. 2), filed June 5, 1959. Applicant: C. J. VAN BEEKUM, INC., 2223 Seventh Street, Lubbock, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, as defined by the Commission, and *ingredients and additives* as used in the preparation of such feeds, in bulk, in bags and in containers, and *exempt commodities*, as defined by the Commission, between points in that portion of Texas on and north of U.S. Highway 180 and on and west of U.S. Highway 281, on the one hand, and, on the other, points in Arizona, Arkansas, Colorado, Illinois, Kansas, Louisiana, Mississippi, Missouri, New Mexico, Oklahoma, Tennessee, and Texas.

NOTE: Applicant holds contract carrier authority in Permit No. MC 89520; therefore, dual operations under section 210 may be involved.

HEARING: October 1, 1959, at the Caprock Hotel, Lubbock, Tex., before Examiner James C. Cheseldine.

No. MC 117473 (Sub No. 4), filed May 25, 1959. Applicant: C. E. ARNDT, 1905 Shelby, Higginsville, Mo. Applicant's attorney: Herman W. Huber, 101 East High Street, Jeffersonville, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer and fertilizer compounds*, dry, in bulk and in bags, from Lawrence and Military, Kans., to points in Missouri, and *damaged, rejected or returned shipments*, on return.

HEARING: September 24, 1959, at Jefferson City, Mo., before Joint Board No. 135.

No. MC 117632 (Sub No. 1) (REPUBLICATION), filed April 23, 1959, published at Page 5869, issue of July 22, 1959. Applicant: TREMBLAY TRANSPORT, INC., New Montgomery Road, Chicopee (Willimansett), Mass. Applicant's attorney: Arthur M. Marshall, 145 State Street, Springfield 3, Mass. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Used or reconditioned drums or containers*, (1) between Chicopee and Springfield, Mass., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, New York and Rhode Island; (2) between New York, N.Y., Philadelphia, Pa., and points in New Jersey, exclusive of Newark and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (3) between Newark, and Ridgefield, N.J., on the one hand, and, on the other, points in Hillsboro and Rockingham Counties, N.H., points in New York, exclusive of Albany County, and points in Rhode Island; *new drums or containers*, (1) from New York, N.Y., Philadelphia and Lancaster, Pa., and points in New Jersey, exclusive of Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in Connecticut, Massachusetts, New York, and Rhode Island; and (2) from Linden, N.J., to points in Hillsboro and Rockingham Counties, N.H., and points in New York and Rhode Island. Applicant is authorized to transport new steel drums or containers from Linden, N.J., to points in Connecticut and Massachusetts, and used or reconditioned steel drums or containers between Ridgefield and Newark, N.J., on the one hand, and, on the other, points in Albany County, N.Y., Connecticut and Massachusetts.

NOTE: The purpose of this republication is to add Lancaster, Pa., as a proposed point of origin for the transportation of new drums or containers.

HEARING: Remains as assigned, September 17, 1959, at 346 Broadway, New York, N.Y., before Examiner Alton R. Smith.

No. MC 117665 (Sub No. 3), filed June 15, 1959. Applicant: CARL BUCHANAN, Box 454, Bloomfield, Mo. Applicant's attorney: Joseph R. Nacy, 117 West High Street, Jefferson City, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feeds*, in bags, and *fertilizer*, in bags and in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Butler, Wayne, Bollinger, Cape Girardeau, Scott, Mississippi, New Madrid, and Stoddard Counties, Mo. On return movements applicant states he proposes to transport commodities exempt under the provisions of section 203(b) (6) of the Act.

HEARING: September 28, 1959, at the Missouri Public Service Commission,

Jefferson City, Mo., before Joint Board No. 135.

No. MC 117968 (Sub No. 2), filed July 14, 1959. Applicant: VINCENT MONTONE TRANSPORTATION, INC., 24th and Church Streets, Hazleton, Pa. Applicant's attorney: Francis J. Ortman, 1366 National Press Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Van bodies and cargo containers*, steel and/or aluminum, from the plant site of Highway Trailer Company in Hazle Township, Pa., to points in Alabama, Connecticut, Delaware, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: September 18, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner William J. Cave.

No. MC 118307, filed March 23, 1959. Applicant: WILLIE H. COLE, General Delivery, Bluefield, W. Va. Applicant's attorney: A. J. Lubliner, 209-12 Law & Commerce Building, Bluefield, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Such commodities as are sold by chain retail stores and mail order department stores, and damaged, defective, repossessed and traded-in shipments* of the above-described commodities, between Bluefield, W. Va., and points in Buchanan, Giles, Bland, and Tazewell Counties, Va.

HEARING: October 5, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 245.

No. MC 118873 (Sub No. 1), filed June 15, 1959. Applicant: RICHARD DAVIS, doing business as CINCINNATI-INDIANAPOLIS FILM SERVICE, 18 Fayard Drive, R.R. 6, Batavia, Ohio. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Motion picture films and theater advertising, including but not restricted to lobby displays, posting paper, and newspaper advertising mats*, between Cincinnati, Ohio and Indianapolis, Ind., from Cincinnati over U.S. Highway 52 to junction Indiana Highway 46, thence over Indiana Highway 46 to junction U.S. Highway 421, thence over U.S. Highway 421 to Indianapolis, and return over the same route, serving no intermediate points.

HEARING: September 16, 1959, at the New Post Office Building, Columbus, Ohio, before Joint Board No. 208.

No. MC 118881 (Sub No. 1), filed May 18, 1959. Applicant: R. D. EMERICK AND W. L. EMERICK, doing business as EMERICK BROS. GARAGE, 512 East Street, Parkersburg, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, disabled, stolen or repossessed vehicles and motor vehicles*, to be used as substitutes for wrecked or disabled vehicles, including

but not limited to trucks, truck tractors, semi-trailers and trailers, between Parkersburg, W. Va., on the one hand, and, on the other, points in Ohio and Pennsylvania.

HEARING: October 6, 1959, at the City Council Chamber, City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 59.

No. MC 118927 (Sub No. 1), filed May 29, 1959. Applicant: LEWIS VAN HOOSEAR, doing business as VAN HOOSEAR'S TRUCK LINE, 521 Watrous Street, Des Moines, Iowa. Applicant's representative: John M. Ropes, Chairman, State Commerce Commission, State House, Des Moines, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal feeds*, and *ingredients* required in the manufacture of animal feeds, in bags and in bulk, (1) from Des Moines, Iowa, to points in Kansas on and east of U.S. Highway 81, and to points in Missouri on and north of U.S. Highway 40; and (2) from Kansas City, Mo., to Des Moines, Iowa; and *feed ingredients* (basic ingredients necessary to manufacture animal feeds), on return.

HEARING: September 17, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 118928, filed May 8, 1959. Applicant: STANLEY S. DOBSON, Aalsey, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay, brick and tile*, between points in Audrain, Callaway, Montgomery, Warren, Osage, and Gasconade Counties, Mo., on the one hand, and, on the other, points in Greene and Scott Counties, Ill.

HEARING: October 5, 1959, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 135.

No. MC 118933, filed May 8, 1959. Applicant: THE PORT CARLING BOAT WORKS LIMITED, Port Carlin, Ontario, Canada. Applicant's attorney: John Wanless McMaster, 133 Richmond Street West, Southwest corner York and Richmond Streets, Toronto, Ontario, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Boats with marine equipment*, attached thereto or installed therein, (1) from Tonawanda, N.Y., to points on the International Boundary line between the United States and Canada, and (2) between points on the International Boundary line between the United States and Canada, on the one hand, and, on the other, points in New York, Ohio, and Michigan.

HEARING: September 16, 1959, at the Hotel Buffalo, Washington and Swan Streets, Buffalo, N.Y., before Examiner Herbert L. Hanback.

No. MC 118849, filed May 18, 1959. Applicant: THOMAS C. HODGES, 1010 College Street, Junction, Tex. Applicant's attorney: Maynard Robinson, Frost National Bank Building, San Antonio, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting:

Horses, other than ordinary, and, in the same vehicle with such horses, *stable supplies* and *equipment* used in the care and exhibition of such horses, *mascots*, and the *personal effects* of their *attendants, trainers and exhibitors*, (1) from points in Texas to points in New Mexico and Colorado, and return; and (2) from points in Texas, to the Port of Entry on the boundary between the United States and Mexico, at El Paso, Tex., and return.

HEARING: October 2, 1959, at the Caprock Hotel, Lubbock, Tex., before Examiner James C. Cheseldine.

No. MC 118962, filed May 29, 1959. Applicant: E. G. MENELAUS, doing business as BLOCKTON OIL CO., Blockton, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Liquefied petroleum gas*, in bulk, in tank vehicles, from Paola, Kans., to points in Missouri located on and west of U.S. Highway 63 and on and north of U.S. Highway 40, and to points in Iowa, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity, and *rejected shipments* of liquefied petroleum gas on return movements.

HEARING: September 18, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 55.

No. MC 118967, filed June 1, 1959. Applicant: L. T. KISSINGER, 1141 West Sixth, West Plains, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plant food* (commercial fertilizer), in bags and in bulk, from points in the St. Louis, Mo.-East St. Louis, Ill., Commercial Zone, as defined by the Commission, to points in Howell, Oregon, Shannon, Wright, Texas, Ozark, and Douglas Counties, Mo., and those in Fulton, Baxter, Izard, Sharp, and Randolph Counties, Ark., and from West Plains, Mo., to points in the above-specified Counties in Arkansas.

NOTE: Applicant proposes to transport commodities exempt under Commission regulations on return trips.

HEARING: September 30, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 243.

No. MC 118982, filed June 8, 1959. Applicant: B. & H. INC., Arkansas City, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Green cattle hides and dried meat scraps*, from Arkansas City, Kans., to points in the Kansas City, Kans.-Kansas City, Mo., Commercial Zone, as defined by the Commission, and *exempt commodities* on return.

HEARING: September 24, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36.

No. MC 119000, filed June 15, 1959. Applicant: VIRGIL HERMAN LOHMANN, doing business as VIRGIL H. LOHMANN, 952 West Adams, Jackson, Mo. Applicant's attorney: Paul A.

Mueller, Jr., Jackson, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Feed, fertilizer, and livestock*, between Jackson, Mo., and East St. Louis, Ill., from Jackson over U.S. Highway 61 to Perryville, Mo., thence over Missouri Highway 51 to the Missouri-Illinois State line, thence over Illinois Highway 3 or Illinois Highway 150 to Chester, Ill., thence over Illinois Highway 3 to Red Bud, Ill., thence over Illinois Highway 159 to Swansea, Ill., thence over Illinois Highway 161 to junction U.S. Highway 50, thence over U.S. Highway 50 to East St. Louis, and return over the same route, serving no intermediate points.

HEARING: September 28, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 135.

No. MC 119009, filed June 18, 1959. Applicant: STEVEN E. SUVADA AND JOHN KONECNIK, doing business as F & K MILK SERVICE, 7323 West Wilson Avenue, Chicago, Ill. Applicant's attorneys: Harold E. Marks, 208 South La Salle Street, Chicago 4, Ill., and Louis E. Smith, 111 Monument Circle, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Milk*, in cans, dispenser cans, bottles, cartons, and in all forms of containers, *dairy products*, including butter, cheese, sour cream, yogurt, and chocolate milk, *orange juice*, and *bottles of all kinds, cans, dispensary types of cans and cartons for milk, and empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities, between Kansasville, Wis., and points in Illinois.

NOTE: Applicants indicate they propose to transport empty containers or other such incidental facilities on return movements.

HEARING: October 2, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13.

No. MC 119012, filed June 19, 1959. Applicant: RIVER TERMINALS TRANSPORT, INC., Box 445, Madison, Ind. Applicant's attorney: Robert W. Loser, 317 Chamber of Commerce Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles, and non-ferrous metals*, from river terminals located at Madison and Aurora, Ind., to (1) points in Indiana on and south of U.S. Highway 24; (2) points in Butler and Hamilton Counties, Ohio; and (3) points in Kentucky bounded on the east by Kentucky Highway 11 commencing at a point on the Ohio River near Maysville, Ky., to its intersection with U.S. Highway 60 near Mt. Sterling, Ky., bounded on the south by U.S. Highway 60 from Mt. Sterling to Louisville, Ky., and the Ohio River at Louisville, including points on the highways indicated, and including points in the Louisville, Ky., Commercial Zone, limited to commodities having had a prior movement by water carrier; and *scrap metals*, from points in the above-described destination

territory, to river terminals at Madison and Aurora, Ind., restricted to shipments that will have a subsequent movement by water carrier.

NOTE: Applicant states it is also filing a Form BMC 76 application for the purpose of substituting it in lieu of James D. Shake and J. Brinton Thomas, a Partnership, doing business as Central Coal and Supply Co., No. MC 117768, in which a recommended report and order has recommended issuance of a certificate therein covering the transportation of dry bulk commodities, not including cement, in bulk in dump trucks, limited to commodities having had a prior movement by water carrier, from the above-described Indiana river terminals to specified points in Indiana, Ohio, and Kentucky.

HEARING: September 22, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 208.

No. MC 119014, filed June 19, 1959. Applicant: HERMAN O. JOHNSON, Armour, S. Dak. Applicant's attorney: Don A. Bierle, 308 Walnut Street, Yankton, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, from the site of the Crystal Chemical Company, Incorporated plant located near South Sioux City, Nebr., on U.S. Highway 77, to Armour, S. Dak., and points in South Dakota within a radius of 10 miles thereof, excepting therefrom any other municipality; (2) *feed, tankage, seed, farm machinery and farm machinery repair parts, oyster shells, mineral salts, livestock bedding disinfectant, hog feeders, chicken feeders, automatic livestock and poultry waterers, heavy hardware*, more particularly specified as *wagon boxes, hydraulic hoists and bolts, light hardware, building materials*, more particularly specified as *plywood, millwork, wall board, bulk lumber, hardware requisite in building construction such as hinges, door-knobs, nails, tacks, spikes, staples, steel fencing wire, peg-board, asphalt shingles, wood shingles, post, paint, glass, building paper and corrugated roofing, paper egg cases, pete moss, portable chicken coops, paper chick boxes, buttermilk, bone meal, molasses* in bulk tank, from Sioux City, Iowa to Armour, S. Dak., and points in South Dakota within a radius of 10 miles thereof, excepting therefrom any other municipality; (3) *farm machinery, and farm machinery repair parts*, from Omaha, Nebr., to Armour, S. Dak., and points in South Dakota within a radius of 10 miles thereof, excepting therefrom any other municipality; (4) *farm machinery and farm machinery repair parts*, from Fort Dodge, Iowa to Armour, S. Dak., and points within a radius of 10 miles thereof, excepting therefrom any other municipality.

HEARING: September 16, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 185.

No. MC 119016, filed June 29, 1959. Applicant: ANTON KOBE, doing business as SPEEDEE MOVERS, 3834 Roosevelt Street, Gary, Ind. Applicant's attorney: Joseph M. Scanlan, 111 West Washington Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular

routes, transporting: *Such commodities* as are sold in retail chain or department stores, between points in Lake County, Ind., on the one hand, and, on the other, points in Cook, Du Page, Will, Kankakee, and Iroquois Counties, Ill., and points in Berrien, Cass, Van Buren, and St. Joseph Counties, Mich.

HEARING: September 28, 1959, at Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 73.

No. MC 119019, filed June 22, 1959. Applicant: HAMNER TRUCK LINES, INC., 1119 Silber Road, Houston, Tex. Applicant's attorney: Jo E. Shaw, Bettes Building, Houston, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commercial fertilizer*, in bags, in truck loads, from Texas City, Tex., and points in Harris County, Tex., to points in Louisiana, and *rejected shipments* of the above-specified commodity on return.

HEARING: October 20, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 32, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 119040, filed July 6, 1959. Applicant: CAPE SUPPLY COMPANY, a corporation, 24 Sheridan Drive, Cape Girardeau, Mo. Applicant's attorney: Stephen E. Strom, First Federal Savings Building, Cape Girardeau, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Building materials and contractors' and builders' supplies, equipment, and materials*, (a) between points in Cape Girardeau County, Mo., including the City of Cape Girardeau, and points in the following counties and cities in Illinois and Kentucky: (1) Franklin County, Ill., including the cities of Benton and West Frankfort, (2) Williamson County, Ill., including the cities of Herrin, Marion, and Johnston City, (3) Jackson County, Ill., including the cities of Murphysboro and Carbondale, (4) Alexander County, Ill., including the city of McClure, (5) Massac County, Ill., including the city of Metropolis, (6) Ballard County, Ky., including the cities of Barlow and Wickliffe, (7) Carlisle County, Ky., including the city of Bardwell, (8) Hickman County, Ky., including the city of Clinton, (9) Graves County, Ky., including the city of Mayfield, (10) McCracken County, Ky., including the city of Paducah, (11) Marshall County, Ky., including the city of Benton, and (12) Calloway County, Ky., including the city of Murray. (b) Between points in Alexander County, Ill., including the city of McClure, and points in the following counties and cities in Missouri and Kentucky: (1) St. Francois County, Mo., including the cities of Flat River and Farmington, (2) Madison County, Mo., including the city of Fredericktown, (3) Perry County, Mo., including the city of Altenburg, (4) Cape Girardeau County, Mo., including the cities of Cape Girardeau and Pocahtontas, (5) Bollinger County, Mo., including the cities of Marble Hill and Lutesville, (6) Scott County, Mo., including the cities of

Chaffee and Oran, (7) Wayne County, Mo., including the city of Williamsville, (8) Stoddard County, Mo., including the city of Dexter, (9) Dunklin County, Mo., including the cities of Campbell and Hornersville, and (10) those counties and cities in Kentucky listed in paragraphs (a) (6) through (a) (12), above: (c) From points in the city and County of St. Louis, Mo., to points in Alexander County, Ill., including the city of McClure. (d) From points in Madison County, Ill., including the city of Alton, and the city of Granite City, and points in St. Clair County, Ill., including the city of East St. Louis, to points in Cape Girardeau County, Mo., including the city of Cape Girardeau.

HEARING: September 30, 1959, at the Missouri Public Service Commission, Jefferson City, Mo., before Joint Board No. 298.

No. MC 119066, filed July 15, 1959. Applicant: CLARENCE De KAM, Rock Valley, Iowa. Applicant's attorney: Ray E. Johansen, 222 Davidson Building, Sioux City 1, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: All types of *processed protein feeds and minerals and all other products* used for feeding livestock and poultry manufactured or processed by the E. M. Peet Manufacturing Company of Council Bluffs, Iowa, and all types of *livestock and grains*, between Sheldon, Iowa, and points in O'Brien, Plymouth, Cherokee, Buena Vista, Sioux, Clay, Osceola, Dickinson, Emmet, Palo Alto, Pocahontas, and Lyon Counties, Iowa, and Rock, Nobles, Jackson, Martin, Cottonwood, Murray, Pipestone, Watonwan, Redwood, and Lincoln Counties, Minn., and Moody, Minnehaha, Lincoln, Union, McCook, Turner, and Clay Counties, S. Dak.

HEARING: September 15, 1959, at the Federal Office Building, Fifth and Court Avenues, Des Moines, Iowa, before Joint Board No. 147.

No. MC 119072, filed July 16, 1959. Applicant: THRIFT TRANSFER, INC., 3040 Colvin Street, Alexandria, Va. Applicant's attorney: John C. Bradley, Suite 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Cement and mortar cement*, from Riverton, Va., and points within 5 miles thereof, to points in the District of Columbia and points in Montgomery, Prince Georges, Anne Arundel, and Howard Counties, Md., and (2) *fertilizer*, from Alexandria, Va., to points in the District of Columbia, and points in Montgomery, Prince Georges, Anne Arundel, and Howard Counties, Md., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 119073, filed July 17, 1959. Applicant: EASTERN TRANSIT, INC., 1022 Granby Street, Norfolk 10, Va. Applicant's attorney: Jno. G. Goddin, State-Planters Bank Building, Richmond 19, Va. Authority sought to oper-

ate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles*, from Norfolk, Va., to points in North Carolina, South Carolina, Virginia, and West Virginia, and *damaged, refused or rejected shipments*, on return.

NOTE: Applicant states that it is under a continuing contract with Eastern Auto Distributors, Inc., also the automobiles to be transported are Renault and Peugeot automobiles.

HEARING: September 23, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Richard H. Roberts.

No. MC 119086, filed July 23, 1959. Applicant: WILBUR F. MILLER, JR., 80 York Street, Taneytown, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bread and bakery products*, from Ladiesburg, Md., to Alexandria, Va., and Washington, D.C. and *empty containers or other such incidental facilities* used in transporting bread and bakery products, on return.

HEARING: September 24, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 119089, filed July 24, 1959. Applicant: WISCONSIN REFRIGERATED SERVICES, INC., 344 East Florida Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, 616-617 Tenney Building, 110 East Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, and *empty containers or other such incidental facilities* used in transporting frozen foods, between Milwaukee, Wauwatosa, and Marshfield, Wis., on the one hand, and, on the other, points in Wisconsin and the Upper Peninsula of Michigan.

HEARING: September 17, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 95.

No. MC 120048 (Sub No. 1), filed June 11, 1959. Applicant: ILLINI REEFER TRANSIT, INC., 906 West Bradley Street, Champaign, Ill. Applicant's attorney: Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *General commodities*, except Class A and B explosives, commodities of unusual value, those requiring special equipment, and commodities in bulk in tank vehicles, (1) between points in the so-called "Champaign area", the area in Illinois bounded by a line beginning at the intersection of U.S. Highways 66 and 24, thence east over U.S. Highway 24 to junction Illinois Highway 1, thence south over Illinois Highway 1 to junction Illinois Highway 16, thence west over Illinois Highway 16 to junction Illinois Highway 121, thence northwest over Illinois Highway 121 to junction U.S. Highway 51, thence northeast over U.S. Highway 51 to junction U.S. Highway 66, and thence over U.S. Highway 66 to point of beginning, including all points on the described portions of named highways, and the off-route point of Hoopston, Ill., on the one hand, and,

on the other, points in the so-called "Chicago area", the area in Illinois bounded by a line beginning at the intersection of Lake Michigan and the eastern end of the Illinois-Wisconsin State line, thence west along the Illinois-Wisconsin State line to intersection Illinois Highway 47, thence south over Illinois Highway 47 to junction Illinois Highway 17, thence east over Illinois Highway 17 to the Illinois-Indiana State line, thence north along the Illinois-Indiana State line to Lake Michigan, and thence north along the shore line to point of beginning, including all points on the described portions of the named highways, all Illinois points on the described State borders, and the off-route points of Danforth, Ashkum, Clifton, and Chebanese, Ill.; and (2) between Gary, Hammond, Whiting, and East Chicago, Ind., on the one hand, and, on the other, points in the so-called "Champaign area" as described above.

NOTE: Applicant is authorized to conduct operations under the Second Proviso of section 206(a)(1), in No. MC 120048 covering substantially those operations set forth in (1) above. It seeks by this application a Certificate of Public Convenience and Necessity in lieu of the Second Proviso authority; it also seeks to extend its operation, as set forth in (2) above. Applicant states it does not seek to serve the said Indiana points on the one hand, and, on the other, points within the described "Chicago area".

HEARING: October 6, 1959, at the U.S. Court Rooms and Federal Building, Springfield, Ill., before Joint Board No. 21.

MOTOR CARRIERS OF PASSENGERS

No. MC 68167 (Sub No. 34), WASHINGTON, VIRGINIA AND MARYLAND COACH COMPANY, INC.—EXTENSION—WASHINGTON INTERNATIONAL AIRPORT; No. MC 75289 (Sub No. 16), D.C. TRANSIT SYSTEM, INC., EXTENSION—WASHINGTON INTERNATIONAL AIRPORT; and No. MC 103113 (Sub No. 1), AIRPORT TRANSPORT, INCORPORATED—EXTENSION—WASHINGTON INTERNATIONAL AIRPORT (Amendments and Clarification). The above-entitled applications, among others, were published in the FEDERAL REGISTER under date of May 6, 1959, and assigned for a prehearing conference. The application in No. MC 68167 (Sub No. 34) has been amended by letter dated July 23, 1959, so as to include service at all intermediate points on the routes applied for. Application No. MC 75289 (Sub No. 16) has been amended by letter dated July 31, 1959, by the addition of a Route D to Part II of Exhibit 1, as follows: "From Washington, D.C., via city streets to Trans Potomac Bridges, thence across such bridges to their intersection with the Mount Vernon Memorial Boulevard, thence via the Mount Vernon Memorial Boulevard to its intersection with the existing roads within the Washington National Airport, thence via existing roads within the Washington National Airport to the Administration Building, Washington National Airport, thence via the routes described in Part I to the Washington International Airport, Chantilly, Fairfax-Loudoun Counties,

Virginia. Return over the same route. No intermediate points will be served." Application No. MC 103113 (Sub No. 1) has been amended by letter dated August 5, 1959, by the addition, as follows: Between the Washington National Airport, Gravelly Point, Arlington, Va., and Washington, D.C., from the Washington National Airport via existing roads within the Washington National Airport to the Mt. Vernon Memorial Highway, thence via the Mt. Vernon Memorial Highway and access roads leading to: (a) 14th Street Trans-Potomac Bridge, (b) Memorial Bridge and (c) Key Bridge, and thence via the said bridges to Washington, D.C., and return over the same route serving no intermediate points.

No. MC 119098, filed July 28, 1959. Applicant: SMITH BUS SERVICE, INC., Manchester, Md. Applicant's attorney: Madison B. Morgan, 1111 Frankfur Avenue, Baltimore 25, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round trip charter operations, beginning and ending at Bachman Mills, Butler, Carrollton, Cranberry, Dover, Fowblesburg, Glyndon, Greenmount, Hampstead, Lineboro, Manchester, Melrose, Mexico, Reisterstown, White House, and Woodensburg (all located in Carroll and Baltimore Counties), Md., and extending to points in Maryland, New Jersey, New York, Pennsylvania, Virginia, Delaware, West Virginia, and the District of Columbia.

HEARING: September 29, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Examiner Allan F. Borroughs.

APPLICATIONS FOR BROKERAGE LICENSES

MOTOR CARRIER OF PASSENGERS

No. MC 12710, filed May 29, 1959. Applicant: TOM C. SWOPE, doing business as, HERITAGE TOURS, Gaylynn Center, P.O. Box 5145, Beaumont, Tex. Applicant's attorney: John H. Benckenstein, 915 Goodhue Building (P.O. Box 551), Beaumont, Tex. Authority sought to operate as a *broker (BMC 5)*, at Beaumont, Tex., in arranging for transportation in interstate or foreign commerce by motor vehicle, of *passengers and their baggage*, beginning and ending at Beaumont and Houston, Tex., and Shreveport, La., and extending to points in the United States, including Ports of Entry on the boundary between the United States and Mexico and between the United States and Canada.

NOTE: Applicant states it contracts for, purchases, arranges, furnishes, provides and sells passenger transportation and tours, including hotel and motel accommodations and guides.

HEARING: October 8, 1959, at the Texas State Hotel, Houston, Tex., before Joint Board No. 77, or, if the Joint Board waives its right to participate, before Examiner James C. Cheseldine.

No. MC 12711, filed June 4, 1959. Applicant: LEO KONKOLEWSKI AND FRANCES KONKOLEWSKI, 2977 South 11th Street, Milwaukee 15, Wis. Applicant's attorney: William C. Dineen, 341 Empire Building, 710 North Plankinton

Avenue, Milwaukee 3, Wis. For a license (BMC 5) authorizing operations as a *broker* at Milwaukee, Wis., in arranging for transportation in interstate or foreign commerce, by motor vehicle, of *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, between Milwaukee, Wis., and Chicago, Ill.

HEARING: September 17, 1959, at the Wisconsin Public Service Commission, Madison, Wis., before Joint Board No. 96.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUESTED

MOTOR CARRIERS OF PROPERTY

No. MC 30387 (Sub No. 92), filed August 3, 1959. Applicant: SHIPLEY TRANSFER, INC., 534 Main Street, Reisterstown, Md. Applicant's representative: Donald E. Freeman, 534 Main Street, Reisterstown, Md. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Natural latex*, in bulk, in tank vehicles, from Baltimore, Md., to Greenville, S.C. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Georgia, Illinois, Indiana, Kentucky, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

NOTE: Duplication with present authority to be eliminated.

No. MC 42487 (Sub No. 410), filed August 3, 1959. Applicant: CONSOLIDATED FREIGHTWAYS, INC., 2116 Northwest Savier Street, Portland 4, Ore. Applicant's attorney: William B. Adams, Pacific Building, Portland 4, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Plastics and resins*, liquid, in bulk in tank vehicles, from Chemolite Siding, Minn., to Gardena, Calif. Applicant is authorized to conduct operations in Nevada, Colorado, Illinois, Indiana, Iowa, Michigan, Nebraska, New Mexico, South Dakota, Arizona, Wisconsin, Wyoming, Oregon, Washington, Idaho, California, North Dakota, Minnesota, Montana, and Utah.

No. MC 60178 (Sub No. 4), filed July 27, 1959. Applicant: CLIFFORD W. BLACK, doing business as TONGANOXIE MOTOR FREIGHT, Tonganoxie, Kans. Applicant's representative: Henry B. Vess, Jr., Western Traffic Services, Inc., 216 East 10th Street, Kansas City 6, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, livestock, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, serving Linwood, Kans., as an off-route point in connection with applicant's authorized regular route operations between Kansas City, Mo., and Tonganoxie, Kans. Applicant is authorized to conduct operations between

Tonganoxie, Kans., and Kansas City, Mo.

No. MC 66562 (Sub No. 1541), filed July 31, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, moving in express service, (1) Between Greensboro, N.C., and Winston-Salem, N.C., from Greensboro over U.S. Highway 421 through Guilford College and Kernersville, N.C., to Winston-Salem, and return over the same route, serving the intermediate points of Guilford College and Kernersville, N.C. (2) Between Greensboro, N.C., and junction Interstate Highway 40 and U.S. Highway 421 over Interstate Highway 40, serving no intermediate points. (3) Between junction North Carolina Highway 66 and Interstate Highway 40 and junction North Carolina Highway 66 and U.S. Highway 52 over North Carolina Highway 66, serving no intermediate points. (4) Between Greensboro, N.C., and junction U.S. Highway 158 and North Carolina Highway 66, from Greensboro over U.S. Highway 220 to junction U.S. Highway 158, thence over U.S. Highway 158 through Stokesdale, N.C., to junction North Carolina Highway 66, and return over the same route, serving the intermediate point of Stokesdale, N.C. Applicant states the following restrictions: (1) The service to be performed by applicant shall be limited to service which is auxiliary to or supplemental of rail express service of applicant. (2) Shipments transported by applicant shall be limited to those moving on a through bill of lading or express receipt covering, in addition to a motor carrier movement by applicant, an immediately prior or immediately subsequent movement by air or rail. (3) Such further specific conditions as the Commission, in the future, may find necessary to impose in order to restrict applicant's operations to service which is auxiliary to or supplemental of air or rail express service of applicant. Applicant is authorized to conduct operations throughout the United States.

No. MC 66562 (Sub No. 1542), filed July 30, 1959. Applicant: RAILWAY EXPRESS AGENCY, INCORPORATED, 219 East 42d Street, New York 17, N.Y. Applicant's attorney: Robert C. Boozer, Railway Express Agency, Incorporated, 1220 The Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities, including Class A and B explosives*, moving in express service, between junction North Carolina Highway 99 and North Carolina Highway 32 (five (5) miles south of Plymouth, N.C.) and junction U.S. Highway 264 and North Carolina Highway 32 (six (6) miles east of Washington, N.C.), from junction North Carolina Highways 99 and 32 over

North Carolina Highway 99 to junction U.S. Highway 264 at Pantego, N.C., thence over U.S. Highway 264 to Belhaven, N.C., thence return over U.S. Highway 264 through Pantego to junction North Carolina Highway 32, and return over the same route, serving the intermediate point of Belhaven, N.C. Applicant states the following restrictions: 1. The service to be performed by carrier shall be limited to service which is auxiliary to or supplemental of air or railway express service. 2. Shipments transported by carrier (except so-called local shipments moving solely between Norfolk, Va., and Belhaven, N.C., which will be provided in connection with applicant's present motor carrier service between Norfolk, Va., and Raleigh, N.C., under MC 66562 (Sub No. 1119), shall be limited to those moving on a through bill of lading or express receipt covering in addition to the motor-carrier movement by carrier, an immediately prior or an immediately subsequent movement by air or rail. 3. Such further specific conditions as the Commission in the future may find it necessary to impose in order to restrict carrier's operation to service which is auxiliary to or supplemental of air or railway express service. Applicant is authorized to conduct operations throughout the United States.

No. MC 104683 (Sub No. 24), filed July 24, 1959. Applicant: L. L. MAJURE TRANSPORT CO., 1600 B Street, Meridian, Miss. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum and petroleum products*, from Meridian, Miss., to Pensacola, Fla. Applicant is authorized to conduct operations in Alabama, Louisiana, and Mississippi.

No. MC. 109637 (Sub No. 132), filed July 27, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Flavoring syrups*, in bulk, in tank vehicles, from Louisville, Ky., to points in North Carolina, and *empty containers or other such incidental facilities* (not specified) used in transporting flavoring syrups on return. Applicant is authorized to conduct operations in Alabama, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, New York, North Carolina, Ohio, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

NOTE: Common control may be involved.

No. MC 110525 (Sub No. 399), filed August 4, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Chester A. Zyblut and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk, in tank vehicles, from Cleveland, Ohio, to Erie, Pa., and *rejected shipments* on return. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia,

Illinois, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, Wyoming, and the District of Columbia.

No. MC 114194 (Sub No. 22), filed August 3, 1959. Applicant: KREIDER TRUCK SERVICE, INC., 8003 Collinsville Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Irrigating systems and accessories, and mechanized and power sprayers and accessories*, except commodities which because of size or weight require special equipment, from points in Missouri, Illinois, Michigan, and Indiana, to points in Missouri and Illinois, and *refused or rejected shipments* on return. Applicant is authorized to conduct operations in Arkansas, Colorado, Illinois, Indiana, Iowa, Kentucky, Kansas, Louisiana, Missouri, Michigan, Minnesota, Nebraska, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, and Wisconsin.

No. MC 115716 (Sub No. 6), filed August 5, 1959. Applicant: DENVER-LIMON-BURLINGTON TRANSFER COMPANY, a corporation, 1420 18th Street, Denver, Colo. Applicant's attorney: Edw. C. Hastings, First National Bank Building, Eads, Colo. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between the Kansas-Colorado State line near Cokan, Kans., and Tribune, Kans., from the Kansas-Colorado State line near Cokan over Kansas Highway 96 to Tribune, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Colorado.

No. MC 119085, filed July 23, 1959. Applicant: JOHN J. FRANTA, Gilbertville, Iowa. Applicant's attorney: Keith S. Joah, Charles City, Iowa. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Concrete blocks*, from Chicago, Ill., to points in Iowa east of U.S. Highway 169.

No. MC 119116, filed August 3, 1959. Applicant: PATRICK E. CURRAN, doing business as LAKE CITY AUTO PARTS COMPANY, 376 South First Avenue East, Duluth, Minn. Applicant's attorney: James J. Courtney, Jr., 1505 Alworth Building, Duluth 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked, damaged or disabled motor vehicles, and tractors* for replacement of wrecked, damaged or disabled tractors, in truckaway service, between Duluth, Minn., and points in the Upper Peninsula of Michigan, and those in Wisconsin on, west and north of a line commencing at the Wisconsin-Michigan State line at Marinette, Wis., thence along Wisconsin Highway 64 to junction

U.S. Highway 45, about two miles north of Antigo, Wis., thence along U.S. Highway 45 to junction Wisconsin Highway 52, thence along Wisconsin Highway 52 to Wausau, Wis., thence along Wisconsin Highway 29 to Chippewa Falls, Wis., thence along U.S. Highway 53 to Eau Claire, Wis., thence along U.S. Highway 12 to the Wisconsin-Minnesota State line at Hudson, Wis.

PETITION

Any person or persons desiring to participate in this proceeding may file representations supporting or opposing the relief sought within thirty days after the date of this publication in the FEDERAL REGISTER.

No. MC 8484 (Petition for waiver of Rule 101(e) of the Commission's General Rules of Practice and for leave to file for reopening, reconsideration, revision and/or correction of a certificate of public convenience and necessity). Petitioner: FINTON DELIVERY, INC., Salamanca, N.Y. Petitioner's attorneys: Roy Simmons and Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. By authority issued under Docket No. MC 8484, petitioner is authorized to transport general commodities, with exceptions, over regular routes, between Buffalo, N.Y., and Lewis Run, Pa., serving all intermediate points between Salamanca and Lewis Run, including Salamanca, and the off-route points of Derrick City and Rew City, Pa. Petitioner's Certificate embraces the operating rights in Certificate No. MC 8484 issued November 14, 1940, as amended December 5, 1945, to reflect a name change of one of their partners. The Certificate was thereafter reissued to Finton Delivery, Inc., pursuant to Commission approval in MC-FC-50629. The subject petition seeks modification of Certificate No. MC 8484 so as to authorize the transportation of: *General commodities*, with exceptions, (1) between Salamanca, N.Y., and Rochester, N.Y., (2) between Buffalo, N.Y., and Bradford, Pa., (3) between Salamanca, N.Y., and Lewis Run, Pa., (4) between Salamanca, N.Y., and Jamestown, N.Y., (5) between Salamanca, N.Y., and Olean, N.Y., via Route 17, (6) between Salamanca, N.Y., and Olean, N.Y., (7) between Salamanca, N.Y., and Buffalo, N.Y., over certain described routes, and (8) between Salamanca, N.Y., and Buffalo, N.Y., over certain other routes than those described in (7) above. The proposed modification as to the specific routes to be utilized and cities and towns to be served are set forth in detail on pages 18, 19, and 20 of the petition.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

No. MC 65876 (Sub. No. 9), filed July 31, 1959. Applicant: BISON FREIGHT LINE, INC., 2173 Kasota Street, St. Paul, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General*

commodities, except those of unusual value, Class A and B explosives, livestock, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between St. Paul, Minn., and Fargo, N. Dak.: From St. Paul over U.S. Highways 10 and 52, to Fargo, and return over the same route, serving the intermediate points of Minneapolis and Anoka, Minn., and the off-route points of Hopkins, Newport, and South St. Paul, Minn. and all points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission in 48 M.C.C. 95 as intermediate and off-route points. Applicant is authorized to conduct operations in Minnesota and North Dakota.

Note: Applicant states there has been filed simultaneously with this application, an application by Twin City-Fargo Freight, Inc. to purchase a portion of applicant's authority, assigned No. MC-F 7270; therefore, proceedings in MC 65876 Sub 9, are directly related.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under sections 5(a) and 210a(b) of the Interstate Commerce Act and certain other proceedings with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F 7166, LAW & INGHAM TRANSPORTATION CO., INC.—PURCHASE (PORTION)—GEORGE F. DOCKHAM, published in the April 22, 1959, issue of the FEDERAL REGISTER on page 3143. Petitions filed August 3, 1959, and July 24, 1959, respectively, to amend the section 5 application by substituting LAW MOTOR FREIGHT, INC., Airport Road, Nashua, N.H., as the vendee, and to modify the order of July 6, 1959, under section 210a(b) by substituting it as the lessee, contingent upon grant of temporary authority in MC-F 7259 (LAW MOTOR FREIGHT, INC.—CONSOLIDATION—LAW & INGHAM TRANSPORTATION CO., INC. AND SOUTHWESTERN NEW HAMPSHIRE TRANSPORTATION CO., INC. Application in No. MC-F 7166 assigned for hearing September 18, 1959.

No. MC-F 7267. Authority sought for purchase by LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., Manheim Pike, Lancaster, Pa., of a portion of the operating rights of HARRY A. BLADES, INC., 440 West 24th Street, New York 11, N.Y., and for acquisition by V. R. KAHLEY, 401 South President Avenue, Lancaster Pa., RUTH BARNETT, 1016 Grandview Boulevard, Lancaster, Pa., and SADIE ALBOUM, 2801 Parkway, Philadelphia, Pa., of control of such rights through the purchase. Applicants' attorneys: S. S. Eisen, 140 Cedar Street, New York 6, N.Y., and William D. Traub, 10 East 40th Street, New York 16, N.Y. Operating rights sought to be transferred: *Chocolate, chocolate coating, cocoa, and confectionery*, as a *contract carrier* over irregular routes, from Hershey, Pa., to Philadelphia, Pa. Ven-

dee is authorized to operate as a *contract carrier* in Pennsylvania, New York and New Jersey. Application has not been filed for temporary authority under section 210a(b). A proceeding has been instituted under section 212(c) in Docket No. MC 42317 Sub 2 to determine whether vendee's status is that of a common or contract carrier.

No. MC-F 7268. Authority sought for purchase by HARRY A. BLADES, INC., 440 West 24th Street, New York 11, N.Y., of the operating rights of LANCASTER & NEW YORK MOTOR FREIGHT SERVICE, INC., Manheim Pike, Lancaster, Pa., and for acquisition by HARRY A. BLADES, also of New York, of control of such rights through the purchase. Applicants' attorneys: William D. Traub, 10 East 40th Street, New York 16, N.Y., and S. S. Eisen, 140 Cedar Street, New York 6, N.Y. Operating rights sought to be transferred: *Scrap aluminum and tin foil*, as a *contract carrier* over regular routes, from Hershey, Pa., to New York, N.Y., serving no intermediate points; *empty cans and canisters and tin plates*, from Lancaster, Pa., to New York, N.Y., serving no intermediate points; *coffee beans*, from New York, N.Y., and Hoboken, N.J., to Lancaster, Pa., serving no intermediate points; *chocolate and chocolate products*, and *commodities* used or useful in the manufacture, distribution, and advertising of chocolate and chocolate products, between Hershey, Pa., and New York, N.Y., serving certain intermediate and off-route points; *tin plates*, over irregular routes, from Lancaster, Pa., to certain points in New Jersey and Mamaroneck, N.Y. A proceeding has been instituted under section 212(c) in Docket No. MC 42317 Sub 2 to determine whether vendor's status is that of a common or contract carrier. Vendee is authorized to operate as a *contract carrier* in New York, New Jersey, Maryland, Delaware, Pennsylvania, and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7269. Authority sought for purchase by EASTERN EXPRESS, INC., 1450 Wabash Avenue, Terre Haute, Ind., of the operating rights of RAPID MOTOR LINES, INC. (IRVING GROOB, TRUSTEE), 25 Kendall Street, New Haven, Conn., and for acquisition by WILSON M. HOUSE, also of Terre Haute, of control of such rights through the purchase. Applicants' attorney: John E. Lesow, 3737 North Meridian Street, Indianapolis, Ind. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes between New York, N.Y., and New Haven, Conn., and between Boston, Mass., and Norwalk, Conn., serving certain intermediate and off-route points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between New York, N.Y., on the one hand, and, on the other, points within 40 miles of New York, N.Y., in Bergen, Passaic, Essex, Union, and Hudson Counties, N.J., and Rockland County, N.Y.; *cotton piece goods*, from Fall River,

Mass., to Bridgeport, Conn.; *mayonnaise* and *condiments*, from Westerly, R.I., to Brockton and Taunton, Mass. Vendee is authorized to operate as a *common carrier* in Pennsylvania, Missouri, New Jersey, Indiana, Maryland, Ohio, Illinois, New York, West Virginia, Kentucky, and Michigan. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7270. Authority sought for purchase by TWIN CITY-FARGO FREIGHT, INC., 122 8th Street SE., Minneapolis 14, Minn., of a portion of the operating rights of BISON FREIGHT LINE, INC., 2173 Kasota Street, St. Paul, Minn., and for acquisition by W. E. ELSHOLTZ, also of Minneapolis, of control of such rights through the purchase. Applicants' attorney: Alan Foss, 502 First National Bank Building, Fargo, N. Dak. Operating rights sought to be transferred: *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over a regular route, between St. Paul, Minn., and Fargo, N. Dak., serving the intermediate point of St. Cloud, Minn. Vendee is authorized to operate as a *common carrier* in Minnesota and North Dakota. Application has not been filed for temporary authority under section 210a(b).

Note: No. MC 65876 Sub 9 is a matter directly related.

No. MC-F 7271. Authority sought for purchase by MURAL TRANSPORT, INC., 2900 Review Avenue, Long Island City 1, N.Y., of the operating rights of SYRACUSE FURNITURE FORWARDING COMPANY, INC., 259 West Fayette Street, Syracuse 2, N.Y., and for acquisition by ALEXANDER SHAPIRO, also of Long Island City, of control of such rights through the purchase. Applicants' attorney and representative, respectively: S. S. Eisen, 140 Cedar Street, New York 6, N.Y., and Charles H. Trayford, 155 East 40th Street, New York 16, N.Y. Operating rights sought to be transferred: *New furniture*, uncrated, as a *common carrier* over irregular routes, from Syracuse and Fayetteville, N.Y., to points in California and Florida, from Fayetteville, N.Y., to points in Virginia and Georgia, from Syracuse and Fayetteville, N.Y., to Memphis and Nashville, Tenn., New Haven, Conn., St. Louis, Mo., and Milwaukee, Wis., and from Fayetteville and Syracuse, N.Y., to Houston, Tex., and Oklahoma City, Okla.; *new furniture*, between Syracuse, Fayetteville, and Oneida, N.Y., on the one hand, and, on the other, Washington, D.C., and points in Illinois, Maryland, Massachusetts, Michigan, New Jersey, Ohio, and Pennsylvania, and between Grand Rapids, Mich., on the one hand, and, on the other, New York, N.Y. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7272. Authority sought for control by FRANK BABBITT, 623 17th Avenue, Bloomer, Wis., of BABBITT BROS., INC., 623 17th Avenue, Bloomer, Wis., and CHIPPEWA MOTOR

FREIGHT, INC., 2645 Harlem Avenue, Eau Claire, Wis. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis, Minn. Operating rights sought to be controlled: (BABBITT) *Milk* and *milk products*, in bulk, in tank vehicles, as a *common carrier* over irregular routes, from Bloomer, Wis., and points in Wisconsin within 75 miles thereof to certain points in Texas, Lincoln, and Omaha, Nebr., Tulsa, Okla., Hershey and Philadelphia, Denver, Colo., Wichita and Kansas City, Kans., Council Bluffs, Iowa, Minneapolis and St. Paul, Minn., Chicago and East St. Louis, Ill., Kansas City, Springfield and St. Louis, Mo., and points within the commercial zones of each, as defined by the Commission; operating rights applied for covering the transportation of (1) *milk* and *milk products*, from Bloomer, Wis., to points in Alabama, Arkansas, Colorado, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, and West Virginia, (2) *liquid cleaning compounds* from Philadelphia, Pa., to points in Michigan, Illinois, Wisconsin, Minnesota, Iowa, and Nebraska, and (3) *wine*, from Canandaigua and Yonkers, N.Y., to Minneapolis, Minn.; (CHIPPEWA) *General commodities*, excepting, among others, household goods and commodities in bulk, as a *common carrier* over regular routes, between Minneapolis, Minn., and Chicago, Ill., between Eau Claire and Cameron, Wis., between Chippewa Falls and Owen, Wis., between Fairchild and Withee, Wis., between Augusta and Cornell, Wis., between Sand Creek and Cornell, Wis., and between Bloomer, Wis., and junction U.S. Highway 12 and Wisconsin Highway 40, serving certain intermediate and off-route points; five alternate routes for operating convenience only; *sweet cream, concentrated skim milk*, and *whole milk*, from Ridgeland, Wis., to junction Wisconsin Highway 64 and Dunn County (Wis.) Highway M, serving no intermediate points; *general commodities*, excepting, among others, household goods and commodities in bulk, over irregular routes, between Cameron, Wis., on the one hand, and, on the other, points in Wisconsin within 60 miles of Cameron, and between Eau Claire, Wis., on the one hand, and, on the other, certain points in Wisconsin; *household goods*, as defined by the Commission, between Eau Claire, Wis., and points within 75 miles of Eau Claire, on the one hand, and, on the other, points in Minnesota, Michigan, Illinois, Iowa, North Dakota, South Dakota, Indiana, Kentucky, and Ohio; *emigrant movables*, between Cameron, Wis., on the one hand, and, on the other, points in Wisconsin within 60 miles of Cameron. FRANK BABBITT holds no authority from this Commission. However, he controls BABBITT BROS., INC., and CHIPPEWA MOTOR FREIGHT, INC., by ownership of the majority of the outstanding stock of each. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7273. Authority sought for purchase by LIQUID TRANSPORTERS, INC., P.O. Box 5135, Cherokee Station, Louisville 5, Ky., of a portion of the operating rights and certain property of A. & H. TRUCK LINE, INC., 1277 Maxwell Avenue, Evansville 7, Ind., and for acquisition by CHARLES E. CRANMER, P.O. Box 5135, Cherokee Station, Louisville 5, Ky., and JOSEPH J. LEARY, McClure Buiding, Frankfort, Ky., of control of such rights and property through the purchase. Applicants' representative: Charles E. Cranmer, President, Liquid Transporters, Inc., P.O. Box 5135, Cherokee Station, Louisville 5, Ky. Operating rights sought to be transferred: *Paints, varnishes, and lacquers*, in liquid or paste, from synthetic resin solutions, oils compounded, thinning compounds, and lacquer and varnish solvents, in bulk, in tank trucks or trailers, as a *common carrier* over irregular routes, from Louisville, Ky., to points in Illinois, Indiana, Michigan, Minnesota, Missouri, Ohio, Tennessee, West Virginia, Wisconsin, Iowa, and Pennsylvania; *paints, varnishes, lacquers, synthetic resin solutions, oils compounded, thinning compounds, and lacquer and varnish solvents*, in bulk, in tank vehicles, from Louisville, Ky., to points in Alabama, Arkansas, Colorado, Florida, Georgia, Kansas, Louisiana, Mississippi, Nebraska, New York, North Carolina, Oklahoma, South Carolina, Texas, and Virginia; *empty shipper-owned tank trailers* (used in connection with the transportation of paints, varnishes, lacquers, synthetic resin solutions, oils compounded, thinning compounds, and lacquer and varnish solvents), from points in Alabama, Arkansas, Colorado, Florida, Georgia, Indiana, Illinois, Iowa, Kansas, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin to Louisville, Ky. Vendee is authorized to operate as a *common carrier* in Ohio, Indiana, Kentucky, Maryland, Virginia, North Carolina, South Carolina, Georgia, Alabama, Mississippi, West Virginia, Pennsylvania, Michigan, Illinois, Tennessee, Missouri, Wisconsin, Minnesota, Iowa, Nebraska, Kansas, Oklahoma, Arkansas, Louisiana, Texas, Florida, and New York. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7275. Authority sought for control by H. M. O'NEILL, F. J. O'NEILL, AND W. J. O'NEILL, all of 11700 Shaker Boulevard, Cleveland, Ohio, of ALABAMA TRANSPORT, INC., CARROLL TRANSPORT, INC., IOWA TRANSPORT, INC., OGLESBY TRANSPORT, INC., TOP TRANSPORT, INC., and TROPICAL TRANSPORT, INC., all of 11700 Shaker Boulevard, Cleveland 20, Ohio. Applicant's attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., and Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio. ALABAMA TRANSPORT, INC., filed, on June 17, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 119008) for a *contract carrier* permit to transport *cement*, in

bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Birmingham, Ala., to points in Alabama and certain points in Mississippi, Tennessee, Florida and Georgia. CARROLL TRANSPORT, INC., filed, on February 20, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118715) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company at Union Bridge, Md., to points in Delaware, Maryland and the District of Columbia, and certain points in Pennsylvania and Virginia. IOLA TRANSPORT, INC., filed, on June 5, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118979) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Iola, Kans., to points in Kansas and certain points in Arkansas, Missouri and Oklahoma. IOWA TRANSPORT, INC., filed, on January 23, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118580) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Mason City, Iowa, to points in Iowa, Wisconsin, North Dakota, South Dakota and Minnesota. OGLESBY TRANSPORT, INC., filed, on December 19, 1958, an application on Form BMC 78 (Revised) (Docket No. MC 118467) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Oglesby, Ill., to points in Illinois and certain points in Iowa, Wisconsin and Indiana. TOP TRANSPORT, INC., filed, on March 2, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118753) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant sites of the Lehigh Portland Cement Company in Fogelsville, Ormrod and Sandts Eddy, Pa., to points in Connecticut, Delaware, Maryland, Massachusetts, New Jersey, Rhode Island, and the District of Columbia and certain points in Pennsylvania, New York, and Virginia. TROPICAL TRANSPORT, INC., filed, on May 20, 1959, an application on Form BMC 78 (Revised) (Docket No. MC 118952) for a *contract carrier* permit to transport *cement*, in bulk, in tank vehicles, and in bags and/or packages, over irregular routes, from the plant site of the Lehigh Portland Cement Company in Bunnell, Fla., to certain points in Georgia. H. M. O'NEILL, F. J. O'NEILL, AND W. J. O'NEILL hold no authority from this Commission, but are affiliated with ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT (N.Y. CORP.), RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC.,

WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., MARKET HAULAGE, INC., GREEN BAG TRANSPORT, INC., and POOL TRUCK, INC., which are authorized to operate as *contract carriers*. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7276. Authority sought for purchase by MITCHELL TRANSPORT, INC., 11700 Shaker Boulevard, Cleveland 20, Ohio, of the operating rights and property of MARTIN BROS. TRUCKING, INC., P.O. Box 156, 317 Chamber of Commerce Building, Mitchell, Ind., and for acquisition by H. M. O'NEILL, F. J. O'NEILL, and W. J. O'NEILL, all of Cleveland, of control of such rights and property through the purchase. Applicants' attorneys: Roland Rice, 618 Perpetual Building, 1111 E Street NW., Washington 4, D.C., Ewald E. Kundtz, 1050 Union Commerce Building, Cleveland 14, Ohio, and R. W. Loser, 317 Chamber of Commerce Building, Indianapolis 4, Ind. Operating rights sought to be transferred: *Cement*, as a *contract carrier* over irregular routes, from points in Lawrence County, Ind., to points in Ohio, Kentucky, and Illinois within 200 miles of Lawrence County. Vendee holds no authority from this Commission. However, its controlling stockholders are affiliated with ANCHOR MOTOR FREIGHT, INC., OF DELAWARE, ANCHOR MOTOR FREIGHT, INC., OF MICHIGAN, ANCHOR MOTOR FREIGHT (N.Y. CORP.), RELAY TRANSPORT, INC., SIGNAL DELIVERY SERVICE, INC., WAREHOUSE TRANSPORTATION CO., CONLEY'S EXPRESS, INC., FOOD TRANSPORT, INC., SUGAR TRANSPORT, INC., QUICK DELIVERIES, INC., MARKET HAULAGE, INC., GREEN BAG TRANSPORT, INC., and POOL TRUCK, INC., which are authorized to operate as *contract carriers*. Application has been filed for temporary authority under section 210a(b).

No. MC-F 7277. Authority sought for purchase by DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., of the operating rights of CONVERSE TRUCKING SERVICE, 1026 Murray Street, Berkeley, Calif., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of 3401 North Dort, Flint, Mich., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Military ordnance* other than live ammunition and Class A and B explosives, in shipments of not less than 10,000 pounds, and *such commodities* as require special equipment and handling by reason of their unusual weight, bulk, or length, except petroleum products in tank vehicles, in shipments of not less than 10,000 pounds, as a *common carrier* over irregular routes, between points in California and Nevada, except that no service is authorized between points in California south of a line extending from the Pacific Ocean easterly through Monterey, Salinas, Fresno, Dunlap, and Independence, Calif., to the California-

Nevada State line. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7278. Authority sought for purchase by DEALERS TRANSIT, INC., 12601 South Torrence Avenue, Chicago 33, Ill., of a portion of the operating rights of HAMILTON TRUCKING SERVICE, INC., 5916 Corson Avenue, Seattle, Wash., and for acquisition by WALTER F. CAREY and BERT B. BEVERIDGE, both of 3401 North Dort Avenue, Flint, Mich., of control of such rights through the purchase. Applicants' attorney: James W. Wrape, 2111 Sterick Building, Memphis 3, Tenn. Operating rights sought to be transferred: *Airplanes and airplane parts*, the transportation of which, because of size or weight, requires the use of special equipment, and of *related parts* moving in connection therewith, as a *common carrier* over irregular routes, between Seattle, Wash., on the one hand, and, on the other, points in Oregon and Idaho and certain points in California and Montana. Vendee is authorized to operate as a *common carrier* in 48 States and the District of Columbia. Application has not been filed for temporary authority under section 210a(b).

No. MC-F 7279. Authority sought for purchase by BOYD E. RICHNER, INC., 404 Third Avenue, P.O. Box 1488, Durango, Colo., of the operating rights of GLEN D. RUST AND WAYNE RUST, 623 North Elm Street, Cortez, Colo., and for acquisition by DON WARD, 1055 South Niagara, Denver, Colo., and BOYD E. RICHNER, P.O. Box 1488, Durango, Colo., of control of such rights through the purchase. Applicants' attorney: Charles H. Haines, Jr., 730 Equitable Building, Denver 2, Colo. Operating rights sought to be transferred: *Uranium and vanadium ores*, in bulk, as a *common carrier* over irregular routes, from points in San Juan County, Utah, to Naturita, Durango, and Uravan, Colo., and Thompsons, Utah, and from points in Utah, Arizona, and New Mexico within 150 miles of Monticello, Utah, to points in La Plata, Montrose, Mesa, and Garfield Counties, Colo. Vendee is authorized to operate as a *common carrier* in Wyoming, Colorado, New Mexico, and Utah. Application has not been filed for temporary authority under section 210a(b).

MOTOR CARRIERS OF PASSENGERS

No. MC-F 7274. Authority sought for control by CARL EDWIN KELTON, doing business as C. E. KELTON MOTOR TRANSPORTATION, 17 Taft Avenue, White River Junction, Vt., of WHITE RIVER COACH LINES, INC., P.O. Box 483, White River Junction, Vt. Applicant's representative: Carl Edwin Kelton, 17 Taft Avenue, White River Junction, Vt. Operating rights sought to be controlled: *Passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, as a *common carrier* over regular routes between Rutland, Vt., and Portland, Maine, serving all intermediate points, and between Bristol, N.H., and Portland, Maine, serving all intermediate

points during the season extending from June 1 to September 15, both dates inclusive, of each year, said route being authorized as an alternate route for operating convenience only, with no service at intermediate points, during the balance of each year; *passengers and their baggage*, and *express and newspapers* in the same vehicle with passengers, between White River Junction, Vt., and Hanover, N.H., and between Hanover, N.H., and Lebanon, N.H., serving certain intermediate points; *passengers and their baggage*, restricted to traffic originating at the points and in the territory indicated, in charter operations, over irregular routes, from Lisbon and Hanover, N.H., and points within 25 miles of Hanover, except New London, N.H., to points in New York, New Hampshire, Connecticut, Rhode Island, Massachusetts, Vermont, and Maine, and return, CARL EDWIN KELTON, doing business as C. E. KELTON MOTOR TRANSPORTATION, is authorized to operate as a *common carrier* in Vermont, Connecticut, Massachusetts, New Hampshire, New York, Rhode Island, New Jersey, Delaware, Maryland, Pennsylvania, Virginia, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

By the Commission,

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-6636; Filed, Aug. 11, 1959;
8:47 a.m.]

SMALL BUSINESS ADMINISTRATION

[Delegation of Authority 2 (Revision 3),
Amdt. 2]

DIRECTOR, OFFICE OF ORGANIZATION AND MANAGEMENT

Delegation of Authority Relating to Organization and Management

Delegation of Authority No. 2 (Revision 3), as amended, (23 F.R. 556, 10575) is hereby amended by deleting subsection I.B.7. in its entirety and substituting in lieu thereof the following:

I.B.7. To enter into contracts for supplies and services pursuant to Delegation of Authority No. 363, dated March 10, 1959 (24 F.R. 1921, 2096) from the Administrator of the General Services Administration to the Small Business Administration.

Effective date: March 17, 1959.

ROBERT H. MONTGOMERY,
Deputy Administrator.

[F.R. Doc. 59-6623; Filed, Aug. 11, 1959;
8:46 a.m.]

[Delegation of Authority 30-1-10]

CHIEF, FINANCIAL ASSISTANCE DIVISION

Delegation of Authority Relating to Financial Assistance

I. Pursuant to the authority delegated to the Deputy Regional Director by Dele-

gation No. 30-1-9 (24 F.R. 4896), there is hereby redelegated to the Chief, Financial Assistance Division the following authority:

A. *Specific*. To take the following actions in accordance with the limitations of such delegations as set forth in SBA-500, Financial Assistance Manual:

1. To approve the following types of loans:

a. Direct business loans in an amount not exceeding \$20,000.

b. Participation business loans in an amount not exceeding \$100,000.

c. Disaster loans in an amount not in excess of \$20,000.

2. To decline disaster loans;

3. To approve or decline Limited Loan Participation loans;

4. To enter into Disaster Participation Agreements with banks.

5. To execute loan authorizations for Washington approved loans and for loans approved under delegated authority, said execution to read as follows:

WENDELL B. BARNES,
Administrator.

By _____
Chief,
Financial Assistance Division.

6. To modify or amend authorizations for business or disaster loans approved by the Administrator, the Deputy Administrator for Financial Assistance, the Director, Office of Loan Processing, or the Chairman, Loan Review Board, by the issuance of Certificates of Modification, and to modify or amend authorizations for loans approved under delegated authority in any manner consistent with the original authority to approve loans.

7. To extend the disbursement period on all loan authorizations or undisbursed portions of loans.

8. To cancel wholly or in part undisbursed balances of partially disbursed loans and deferred participation agreements, where the Administration has not purchased its participation.

9. To approve, after disbursement or partial disbursement, the salary of new employees, not to exceed \$10,000 per annum.

10. To approve, when requested, in advance of disbursement, conformed copies of notes and other closing documents and certify to the participating bank that such documents are in compliance with the participation authorization.

11. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the servicing, administration and liquidation of any disaster loan including, without limiting the generality of the foregoing, all powers, terms, conditions and provisions as authorized herein for other loans. Said powers, terms, conditions and provisions shall apply to all documents, agreements or other instruments heretofore or hereafter executed in connection with any loan included in the above functions where such documents, agreements or other instruments are now, or shall be hereafter, in the name of the Reconstruction Finance Corporation or the Small Business Administration.

12. To take the following actions in the administration, collection and liquidation of business or disaster loans:

a. Approve or reject substitutions of accounts receivable and inventories.

b. Release, or consent to the release of inventories, accounts receivable or cash collateral, real or personal property, offered as collateral on loan, including the release of all collateral when loan is paid in full.

c. Release dividends on life insurance policies held as collateral for loans, approve the application of same against premiums due; release or consent to the release on participation loans, of insurance funds covering loss or damage to property securing the loan and expired hazard insurance policies.

d. Approve the sale of real or personal property and the exchange of equipment held as collateral on loans.

e. Defer until final maturity date payments on principal falling due prior to or within thirty days after initial disbursement and provide for the coincidence of principal and interest payments.

f. Designate proxies to vote at stockholders' meetings on stock held as collateral, and determine how such shares are to be voted.

g. Reinstate terms of payment provided in the Borrower's note upon cancellation of authority to foreclose, termination of litigation, or correction of any other situation which caused the loan to be classified as a problem loan.

h. Effect the purchase of the Administration's agreed portion of a participation loan upon the request of the participating institution, consent to the sale to another institution of the SBA portion of a participation loan, and to cancel any deferred participation agreement upon request of the institution.

13. To extend, or consent to the extension of, the maturity date or time of payment, to change, or consent to the change of, the rate of interest, and otherwise alter or modify, or consent to the alteration or modification of, any note, bond, mortgage or other evidence of indebtedness, and any contract for the sale or lease of real or personal property.

14. To accept and join with others in the acceptance of resignations of trustees under declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is a holder of any note, notes, bond, bonds, instrument, or instruments issued pursuant thereto and secured thereby.

15. To remove and join with others in the removal of any trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust

instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

16. To select and designate persons or corporations as original, substitute or successor trustees under declarations of trust, trust indentures, deeds of trust or other trust instruments or agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, bond or instrument issued pursuant thereto and secured thereby to accept on behalf of Small Business Administration or its Administrator beneficial interests in real or personal property.

17. To appoint, consent to or approve of the appointment and join with others in the appointment, consent or approval of appointment of substitute and successor trustee or trustees under any declarations of trust, trust indentures, deeds of trust and other trust instruments and agreements under which the Small Business Administration or its Administrator now or hereafter is a beneficiary and where the Small Business Administration or its Administrator now or hereafter is the holder of any note, notes, bond, bonds, instrument or instruments issued pursuant thereto and secured thereby.

18. To do and to perform all and every act and thing requisite, necessary and proper to be done for the purpose of effecting the granted powers, including, but without limiting the generality of the foregoing, the execution and delivery of quit claim, bargain and sale or special warranty deeds, leases, subleases, assignments, subordinations, satisfaction pieces, affidavits, and such other documents as may be appropriate or necessary to effectuate the foregoing, and ratifying and confirming all that said Regional Director shall lawfully do or cause to be done by virtue hereof.

19. To take peaceable custody of collateral, as mortgagee in possession thereof or otherwise, whenever such action becomes necessary to protect the interests of or a loan made by SBA; to take all steps necessary for the preservation and protection of the property, pending foreclosure of the lien and sale of the collateral; and, to obligate the Administration in an amount not in excess of a total of \$1,000 for any one loan,

for those expenditures as may be required to accomplish these purposes.

20. To enter into written arrangements with custodians or caretakers of collateral covering their services, which shall not have the effect of making such persons employees of SBA but shall be limited to their temporary services for the specific purpose involved.

21. To enter into written arrangements with owners of premises, when it is necessary to use a building not part of the loan collateral for the storage of chattels pending foreclosure and sale, for a period of not more than 90 days, including a period of 10 days after the date of sale of the collateral to permit orderly removal of the property from the premises.

22. To post indemnity or other bonds in proceedings in cases where such undertakings are required by State law.

23. To foreclose, by summary foreclosure proceedings where State law permits and in accordance with such State laws, in whole or in part, any chattel mortgage, real estate mortgage, deed of trust, security deed or collateral whatsoever kind or nature, securing any note, bond or other evidence of indebtedness now held or hereafter acquired by the Small Business Administration or its Administrator as pledgee, owner or otherwise, and to exercise any right or authority which the Small Business Administration or its Administrator has or may have pursuant to the terms of such security instrument or evidence of indebtedness, and to assign all the right, title and interest of the Small Business Administration or its Administrator in and to any terms of sale or bid made at any such foreclosure sale.

24. To approve annual and sick leave for employees under his supervision.

B. Correspondence. To sign all non-policy making correspondence, except Congressional correspondence, relating to the financial assistance functions.

II. The authority delegated herein may be redelegated.

III. All authority delegated herein may be exercised by any SBA employee designated as Acting Chief, Financial Assistance Division.

IV. All previous authority delegated to the Chief, Financial Assistance Division is hereby rescinded without prejudice to actions taken under all such delegations of authority prior to the date hereof.

Effective date: July 27, 1959.

DANIEL TYLER, Jr.,
Deputy Regional Director,
Boston Regional Office.

[F.R. Doc. 59-6624; Filed, Aug. 11, 1959; 8:46 a.m.]

CUMULATIVE CODIFICATION GUIDE—AUGUST

A numerical list of the parts of the Code of Federal Regulations affected by documents published to date during August. Proposed rules, as opposed to final actions, are identified as such.

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